

AUG 5 1983

No. 82-1271

ALEXANDER L. STEVENS,  
CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1982

IMMIGRATION AND NATURALIZATION SERVICE, ET AL.,  
*Petitioners*

v.

HERMAN DELGADO, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE NINTH CIRCUIT

JOINT APPENDIX

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PETITION FOR CERTIORARI FILED JANUARY 28, 1983  
CERTIORARI GRANTED APRIL 25, 1983

In the Supreme Court of the United States  
OCTOBER TERM, 1982

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v.

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ON WRIT OF CERTIORARI TO THE UNITED STATES  
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INDEX \*

	Page
Relevant Docket Entries .....	1
First Amended Complaint No. 78-0740 .....	6
Complaint No. 78-3246 .....	18
Answer to Amended Complaint No. 78-0740 .....	30
Answer to Complaint No. 78-3246 .....	33
United States Department of Justice, Pub. No. M-69, <i>The Law of Search and Seizure for Immigration Officers</i> (Rev. June 1979), Excerpted at Exhibit H in Support of Defendant's Motion for Summary Judg- ment, Filed 1/18/80 .....	36
Declaration of Philip Smith, Exhibit A to Memorandum in Support of Defendants' Motion for Partial Sum- mary Judgment, filed 11/19/80 .....	43

\* The opinions of the Court of Appeals and the district court are  
printed in the appendix to the petition for writ of certiorari and  
have not been reproduced.

Affidavit of Philip H. Smith, Exhibit B to Memorandum in Support of Defendants' Motion to Dismiss, filed 6/30/78 .....	46
Declaration of Philip H. Smith, Exhibit G to Memorandum in Support of Defendants' Motion for Summary Judgment, filed 1/18/80 .....	51
Affidavit of Gail R. Kee, Exhibit C to Memorandum in Support of Defendants' Motion to Dismiss, filed 6/30/78 .....	52
Interrogatory No. 6 and Answer, Exhibit F to Plaintiff's Memorandum in Support of Motion for Summary Judgment, filed 1/18/80 .....	55
Declaration of Wayne A. Cornelius, Exhibit G to <i>Ibid</i> ...	55
Declaration of Sheldon Maram, Exhibit H to <i>Ibid</i> .....	62
Declaration of Joe Razo, Exhibit I to <i>Ibid</i> .....	72
Declaration of Edward Tchakalian, Exhibit J to <i>Ibid</i> ...	75
Declaration of Georgia Wren Supporting Complaint No. 78-0740 .....	77
Excerpts of deposition of Herman Delgado .....	79
Excerpts of deposition of Ramona Correa .....	100
Excerpts of deposition of Marie Miramontes .....	117
Excerpts of deposition of Francisca Labonte .....	133
Excerpts of deposition of Richard Rice .....	148
Excerpts of deposition of Carlos Tellez .....	153
Order Granting Certiorari .....	159

CIVIL DOCKET—U.S. DISTRICT COURT

CV 78-0740

THE INTERNATIONAL LADIES GARMENT WORKERS UNION,  
AFL-CIO, HERMAN DELGADO and RAMON [sic] CORREA,  
PLAINTIFFS

v.

JOSEPH SURECK, GIL CLARIN, JAMES ROBINSON,  
FORTY UNNAMED AGENTS OF THE INS and INS  
GRIFFITH [sic] B. BELL, LEONEL J. CASTILLO and the  
IMMIGRATION AND NATURALIZATION SERVICE, DEFENDANTS

DATE	PROCEEDINGS
2/24/78	Fld complt. Issd summs.
6/13/78	Fld Pltfs FIRST AMENDED COMPLAINT. Issd summs.
9/18/78	Fld Defts ANSWER to complt.
12/4/78	Case consolidated w/78-3246 LEW
5/30/79	Fld ORD(LEW) denying pltf's mtn fr class cert. (ENT 5/31/79).
11/16/79	Fld ORDER granting defts' motn to dsms pltf ILGWU and actn is dsmsd as to pltf ILGWU. (ENT 11/20/79).
11/27/79	Fld Pltfs' response to defts' motn for partial S/J.
11/28/79	Fld Pltfs' appendix to memo in suppt of pltfs' motn for partial S/J.
*11/19/79	Fld defts notc of motn & motn for partl S/J rettbl 12-3-79, 9AM; prop ORD. Fld defts memo in suppt of defts' motn for partl S/J.
12/4/79	Fld ORD Granting defts' motn for partl S/J (Ent 12/10/79).

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DATE	PROCEEDINGS
*12/4/79	Fld defts' Note of motn and motn for partial S/J, retbl 12/3/79, 9 a.m.
12/4/79	Fld Findgs of fact and Concls of law.
1/4/80	Fld deft's note of motn & motn for supplemental findings of fact & conclusions of law; declartn; proposed supplmntal findings of fact & conclusions of law, set for 1/21/80 at 9am.
	LODGED deft's supplemental findngs of fact & conclusion of law PL IN
	LODGED deft's ORD denying pltfs' motn for partial summary judgmnt.
1/8/80	Fld pltf's Note of APPEAL to 9th Cir C/A frm Ord ent 12-13-79
1/18/80	Fld deft note of motn & motn for S/J set for 2/4/80 at 9am.
1/18/80	Fld deft memo in suprt, motn for S/J set for 2/4/80 at 9am.
	LODGED deft's findings of fact & conclusns of law, proposed.
	LODGED defts proposed judgment.
1/28/80	Fld pltf's respond to defts' motn for S/J.
2/5/80	Fld Jdmt & ORD ent in fvr of defts dismg the complt (Ent 2-7-80)
2/13/80	Fld pltfs' NOTC OF APPEAL to 9th Cir C/A frm jdgmt ent 2-7-80.

## CIVIL DOCKET—U.S. DISTRICT COURT

CV No. 78-3246

THE INTERNATIONAL LADIES GARMENT WORKERS UNION,  
AFL-CIO, HERMAN DELGADO, RAMONA CORREA,  
FRANCIS LABONTE, and MARIA MIRAMONTES, ON BEHALF  
OF THEMSELVES AND ALL PERSONS SIMILARLY SITUATED,  
PLAINTIFFS

v.

JOSEPH SURECK, GRIFFITH [sic] B. BELL, LEONEL J. CASTILLO and THE IMMIGRATION AND NATURALIZATION SERVICE, DEFENDANTS

DATE	PROCEEDINGS
8/22/78	Fld complt. Issd sumons.
10/24/78	Fld Defts ANSWER to complt.
12/4/78	MIN ORD: crt ORDS cas consolidtd w/78-740-LEW
2/5/80	Fld Jdmnt in favr of defts & against pltfs, dismng pltfs' cmplnts (ENT 2-7-80)
2/13/80	Fld pltfs' NOTC OF APPEAL to 9th Cir C/A frm jdgmt ent 2-7-80

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

## DOCKET SHEET

Nos. 80-5035; 80-5454; 80-5152; 80-5153

THE INTERNATIONAL LADIES' GARMENT WORKERS' UNION,  
AFL-CIO; HERMAN DELGADO; and RAMON [sic] CORREA,  
PLAINTIFFS/APPELLANTS

vs.

JOSEPH SURECK; GIL CLARIN; JAMES ROBINSON; FORTY  
UNNAMED AGENTS OF THE IMMIGRATION AND NATURAL-  
IZATION SERVICE; BENJAMIN R. CIVILETTI; LEONEL J.  
CASTILLO; and THE IMMIGRATION AND NATURALIZATION  
SERVICE, DEFENDANTS/APPELLEES

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1982

## FILINGS-PROCEEDINGS

July 15 ORDERED OPINION (ANDERSON) FILED &  
JUDG TO BE FILED & ENTD. -db-

July 15 Filed opinion—reversed & remanded. JS/34

July 15 FILED & ENTERED JUDGMENT. -db-

Sept 30 Filed in 80-5054, order (ANDERSON, NORRIS &  
MUECKE) the petition for rehearing is denied and the  
suggestion for a rehearing en banc is rejected. -db-

Oct 22 Filed in 80-5054, order (ANDERSON) upon due  
consideration of alples' mtn for stay of the mandate pending  
the filing, consideration & disposition by the Supreme  
Court of the United States of a petition for writ of certiorari, such petition to be filed in the Clerk's Office of  
the U.S. Supreme Court on or before Nov. 8, 1982, it is  
ordered that the mtn for stay of mandate be, and the  
same is hereby granted.

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**1982****FILINGS-PROCEEDINGS**

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**Nov 9** Filed in 80-5054, order (ANDERSON) upon due consideration of aples mtn for stay of the mandate pending the filing, consideration & disposition by the U.S. Supreme Court of a petition for writ of certiorari, such petition to be filed in the Clerk's Office of the U.S. Supreme Court on or before Dec. 1, 1982, it is ordered that the mtn for stay of mandate be, and the same is hereby granted. -db-

**Dec 8** Filed in 80-5035 order (Anderson) the motion for stay of mandate denied.

**Dec 17** MANDATE ISSUED

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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No.: CV 78-0740-LEW (PX)

THE INTERNATIONAL LADIES GARMENT WORKERS UNION,  
AFL-CIO, HERMAN DELGARDO, RAMONA CORREA, GUADALUPE RODRIGUEZ, and MARIA MIRAMONTES ON BEHALF  
OF ALL PERSONS SIMILARLY SITUATED, PLAINTIFFS

v/s.

JOSEPH SURECK, GIL CLARIN, JAMES ROBINSON, GRIFFITH  
[sic] B. BELL, LEONEL J. CASTILLO and THE IMMIGRATION  
AND NATURALIZATION SERVICE, DEFENDANTS

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FIRST AMENDED COMPLAINT

Plaintiffs complain and allege as follows:

1. This is a civil action for declaratory relief and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202. The jurisdiction of this Court is invoked under 28 U.S.C. §§ 1331 and 1343, this being an action arising under the Fourth and Fifth Amendments to the United States Constitution and 42 U.S.C. § 1981. Additionally, the jurisdiction of this Court is invoked under 8 U.S.C. §§ 1329 and 1357.

2. Plaintiff International Ladies Garment Workers Union, AFL-CIO (hereafter ILGWU) is a labor organization within the meaning of the National Labor Relations Act. Its principal office and place of business in the Western United States is located in Los Angeles, California. The ILGWU has been certified as the exclusive representative of production and maintenance employees at Southern California Davis Pleating Co. and at Mr. Pleat pursuant to Section 9 of the National Labor

Relations Act. The ILGWU also represents thousands of other garment workers, the vast majority of whom are of Latin ancestry who are employed in numerous shops throughout the Central Judicial District of California.

3. The ILGWU is suing in its representative capacity on behalf of its membership and pursuant to its obligations deriving from Section 9(a) of the National Labor Relations Act.

4. Plaintiff Herman Delgado was born in Puerto Rico and is, and at all times mentioned herein has been, a naturalized citizen of the United States. He is a full time employee of Southern California Davis Pleating Co. and has been so employed since September, 1975. He is a member of the ILGWU.

5. Plaintiff Ramona Correa is employed at Southern California Davis Pleating Co. and has been so employed continuously for over nineteen years. She is a citizen of the United States and is a member of the ILGWU.

6. Plaintiff Guadalupe Rodriguez is a citizen of the United States. He has been an employee at Mr. Pleat for over two years and is a member of the ILGWU.

7. Plaintiff Maria Miramontes was born in Mexico and has been a legal resident of the United States since 1944. She is an employee at Mr. Pleat and has been so employed for eighteen years. She is a member of the ILGWU.

8. Defendant Griffith B. Bell is Attorney General of the United States and is Chief Administrative Officer of the United States Justice Department, which department contains the Immigration and Naturalization Service. As Attorney General he is authorized by statute to control, direct, and supervise all employees and operations of the Immigration and Naturalization Service.

9. Defendant Leonel J. Castillo is Commissioner of Immigration and Naturalization. He is Chief Administrative Officer of the Immigration and Naturalization Service and, subject to the authority of the Attorney General, is authorized to control, direct, and supervise all

employees and operations of the Immigration and Naturalization Service.

Defendant Joseph Sureck is the District Director of the Immigration and Naturalization Service and has offices located at 300 North Los Angeles Street, Los Angeles, California. He is Chief Administrative Officer for all operations of the Immigration and Naturalization Service in the Southern California area. All of the actions complained of in this Complaint were performed under his direction.

11. Defendants Gil Clarin and James Robinson are officers and agents of the Immigration and Naturalization Service and participated in the January 4, 1977 raid at Southern California Davis Pleating Co.

12. Defendant Immigration and Naturalization Service (hereinafter INS) is an agency of the United States Government contained within the Department of Justice. The specific actions complained of herein were performed by agents of the INS under the direction and control of Attorney General Griffith B. Bell, Commissioner Leonel J. Castillo, and District Director Joseph Sureck.

13. Plaintiffs bring this action on behalf of themselves and as a class action on behalf of others similarly situated pursuant to Rule 23 (a) (b) of the Federal Rules of Civil Procedure. The class is defined as all persons of Latin ancestry or of a Spanish surname who are, will be or have been employed in the garment industry or in any other industry in the Central Judicial District of California.

14. The persons who constitute the class are so numerous that joinder of all members is impracticable; there are questions of law and fact common to the entire class; the claims of the Plaintiffs are typical of the claims of the entire class and the Plaintiffs will fairly and adequately protect the interests of the entire class.

15. Southern California Davis Pleating Co. is located at 1100 East 10th Street, Los Angeles, California. It employs some 500 employees, in excess of ninety per cent

of whom are of Latin ancestry and have Spanish surnames. Among its employees are Plaintiffs Herman Delgado and Ramona Correa.

16. Southern California Davis Pleating Co. is a garment manufacturing plant. Most of the some 500 employees work at various individual machines in the manufacture of pleats. Their machines and the individual employees who work at those machines are generally arranged in rows throughout the plant.

17. Early in the morning on January 4, 1977 a large number of agents of the Immigration and Naturalization Service suddenly appeared on the premises of the Southern California Davis Pleating Company. The Plaintiffs are informed and believe and on that basis allege that there were from 30 to 40 agents who appeared at that time on that date. Those agents sealed off all entrances and exits to the building and engaged in a massive and systematic interrogation of those employees employed at Southern California Davis Pleating Company who appeared to be of Latin origin.

18. On January 4, 1977 virtually all Latin appearing employees among the some 500 employees in the Company, were interrogated about their citizenship. Those employees who indicated that they were not citizens of the United States were required to produce papers establishing that they were legal residents of the United States at that very moment. Those who did not have such papers with them were removed to a particular portion of the premises, were ultimately handcuffed and arrested by the INS agents. Many of those persons who were handcuffed were treated very roughly. In excess of 70 employees who were unable to produce immediate and tangible evidence of their legal resident, were arrested by the Agents of the INS on that morning.

19. The Plaintiffs are informed and believe and thereon allege that many of the Southern California Davis Pleating Company employees who indicated that they were citizens of the United States were intensively interro-

gated in several areas by the INS agents including questions about their current resident, previous places of residences, where they previously attended various schools, and the names of those schools.

20. Although a few individual employees ran toward the back of the plant when the INS agents entered, the great majority of the employees remained in their work positions upon entry of the Defendants. They did nothing unusual or suspicious to justify the systematic stops and interrogations that took place. Generally, these employees were dressed normally and were simply doing their work when they were approached and questioned by the INS agents. The only basis employed by the Defendants for determining which employees to question was whether or not they appeared to be, from their features, facial characteristics and their clothing, of Latin origin.

21. Plaintiff Ramona Correa, who is and appears to be of Latin ancestry, was among those approached and interrogated by agents of the INS on January 4, 1977 despite her having done nothing unusual or suspicious to justify such harassment.

22. The raid at Southern California Davis Pleating Company on January 4, 1977 occurred under the ostensible authority of a search warrant. A true and correct copy of that search warrant and of the affidavit for that search warrant is attached hereto as Exhibit "A" and incorporated by reference as though fully set forth herein.

23. A true and correct copy of the return to that search warrant revealing that 78 individuals were seized as evidence, is attached hereto as Exhibit "B" and incorporated hereby by reference as though fully set forth herein.

24. The search warrant which was the ostensible basis for the raid on January 4, 1977 was violative of the Fourth and Fifth Amendments to the Constitution of the United States of America, was an invalid search warrant and provided no legal basis for the intrusion upon the

privacy of the Plaintiffs that occurred in the instant case as alleged herein.

25. On or about September 27, 1977, some 30 to 48 agents of the INS returned to the premises of the Southern California Davis Pleating Company and again engaged in a massive interrogation of the some 500 employees employed at that plant.

26. The September 27, 1977 raid at Southern California Davis Pleating Co. occurred under the ostensible authority of a search warrant, a true and correct copy of which is attached hereto as Exhibit "C" and incorporated herein by reference as though set forth at length. A true and correct copy of the return to that search warrant revealing that 30 individuals were seized as evidence is attached hereto as Exhibit "D" and incorporated herein by reference as though set forth at length.

27. The search warrant which was the ostensible basis for the raid of September 27, 1977, was violative of rights guaranteed Plaintiffs by the Fourth and Fifth Amendments to the Constitution of the United States of America, was an invalid search warrant and provided no legal basis for the intrusion upon the privacy of the Plaintiffs that occurred as alleged herein.

28. In this second raid, INS agents were observed to rush through the side door in the shipping department, and walk right by one of the owners of the Company, Mr. Davis, without stopping. The agents came in other entrances as well and immediately began interrogating the employees as they were working at their machines, proceeding in sequence up and down the rows of employees seated at their machines.

29. Once again, a few employees ran to the back of the plant when the agents entered but the great majority did nothing suspicious, but simply remained at their work stations, committed no crime, but were systematically interrogated by the some 30 to 40 agents who entered the plant.

30. In the raid of September 27, 1977 as in the earlier raid, it appeared that the only employees who were skipped over were those who appeared to be caucasian or black. All other employees who appeared to be of Latin origin, were interrogated on that basis.

31. In that raid as in the first one, the Defendants engaged in a pattern of asking first about the citizenship of the particular employee and then following up with regard to some of the employees who responded that they were not United States citizens with further questions relative to details of their residence and where they attended school.

32. As in the first raid, the employees who indicated that they were not citizens of the United States, were asked to produce documentation of legal residence on the spot. Those who could not, were immediately taken to a certain part of the plant, and were evenutally arrested and taken from the premises by the Defendants.

33. In the second raid at the Southern California Davis Pleating Company, the Plaintiff Herman Delgado was approached by an agent of the Immigration and Naturalization Service and was interrogated. He was questioned about his citizenship. When he responded that he was a United States citizen, he was asked in what country he was born. When he responded that he was a naturalized citizen originally from Puerto Rico, he was asked the city in Puerto Rico from which he originated.

34. The agent of the INS who questioned the Plaintiff Delgado then spoke to another INS agent in front of Mr. Delgado so that he could hear and told the other agent that Mr. Delgado's English was too good but that next time "they'd check him out."

35. As a result of the pattern and practice of interro-gation of employees of Latin extraction, which occurred as described hereinabove, and as a result of the arrest of numerous persons who were unable to immediately provide the INS with documentation of their legal residence, the Plaintiff Delgado is fearful that commensurate

with the threat of the agent who interrogated him, the Defendants will return at any time, will subject him to harassment, interrogation and/or will arrest him in the event that he is unable to produce papers on the spot establishing that he is a United States citizen.

36. On October 3, 1977, following the pattern and practice evidenced by the raids at Southern California Davis Pleating Co., agents of the INS appeared at the premises of Mr. Pleat, 1350 Margo Street, Los Angeles, California. These agents sealed off the exits from the factory and engaged in massive and systematic interrogation of Mr. Pleat employees who appeared to be of Latin origin.

37. The agents conducting this raid did not present a search warrant nor did they ask permission of anyone before conducting their sweep of the factory. Plaintiffs are informed and believe and on that basis allege that the intrusion of October 3, 1977 occurred without any search warrant.

38. As in the other raids the INS agents systematically questioned employees of Latin ancestry regardless of whether they behaved suspiciously or not.

39. As a result of this raid approximately 70 persons, all of Latin extraction, were arrested and taken away because they were unable to produce immediate proof of lawful residence.

40. Among those arrested at Mr. Pleat was Guadalupe Rodriguez who was arrested having informed INS agents that he was a natural born United States citizen.

41. After being arrested and taken to an INS facility Mr. Rodriguez was informed by an agent of the INS that he could go to court or to Tijuana. He was also informed that if he wished to go to court he would have to spend ~~about a week~~ in jail before he could see a judge. Faced with this choice, Mr. Rodriguez agreed to be taken to Tijuana and was, in fact, taken across the border that day.

42. As a result of the pattern and practice of interrogation and arrest of employees of Latin extraction Plaintiff Guadalupe Rodriguez is fearful that he will once again be unlawfully arrested and deported for no other reason than his Latin ancestry.

43. The individual Plaintiffs and most of the Plaintiff class are aware that the Defendants have been engaging in a pattern and practice of raiding manufacturing plants and other plants within the garment industry on virtually a daily basis in the same manner as occurred at Southern California Davis Pleating Company and at Mr. Pleat. These raids are plainly and indiscriminately directed at persons of Latin origin, a great majority of which agents of the INS have no reason to suspect of having engaged in any criminal activity or in any other illegal conduct, with the result that the individual Plaintiffs and members of Plaintiff class are fearful that they will in the future be subjected to unjustified harassment, questioning and arrest at the hands of the Defendants, all in derogation of their Constitutional rights.

44. The Defendants have generally within the last two or three years engaged and continue to engage in a pattern and practice of raiding establishments within the garment industry in Southern California through the use of ostensible search warrants which are in precisely the same form as Exhibit "A" and "C" to this Complaint, which uniformly refer to persons as "fruits and instrumentalities and evidence of violations of Title 8 United States Code, Sections 1324 and 1325," and which uniformly are based upon defective affidavits stating only that the affiant, an INS officer, or some other INS officer who informed the affiant, spoke to certain "illegal aliens" who stated that they believed, based on general conversations with other employees in a particular establishment, that those other employees are also illegal aliens. The affidavits contain no specific indication of the basis upon which the informant concluded that his or her co-employees were illegal aliens.

45. The Defendants within the last two or three years have engaged in and continue to engage in, a pattern and practice, where they utilize search warrants which are in the form of the warrant attached hereto as Exhibit "A", of engaging in sweeps through factories such as occurred in the second raid at Southern California Davis Pleating Company by simply entering the premises en masse unless they are specifically advised by the owners or manager of the premises that they may not remain on the premises without a search warrant.

46. Regardless of whether the Defendants utilize the search warrant device described hereinabove or enter without a warrant, they engage in massive interrogations and arrests as has been described hereinabove, without ever obtaining any consent for such intrusion and interrogations on the part of the employees who are interrogated.

47. By engaging in the above described raids at Southern California Davis Pleating Company, and at Mr. Pleat, Defendants have violated the rights of the Plaintiffs against unreasonable searches and seizures and have violated the due process and privacy rights of the Plaintiffs. Unless injunctive relief as prayed for is granted, the Defendants will continue to engage in further and perhaps more extensive violations of the constitutional rights of the Plaintiff class.

48. There is no adequate remedy at law to prevent further violations of the constitutional rights of the Plaintiffs and the Plaintiffs will be irreparably injured unless injunctive relief as prayed for is provided as a result of the violation of their constitutional rights.

49. The Plaintiffs seek declaratory relief from this Court that the above-described INS raids are unlawful and violative of constitutional guarantees against unreasonable searches and seizures and violative of due process of law and that the type of warrant and affidavit employed invalidly are general in nature without reference to specific individuals and without reasonable cause

to support any intrusion upon the rights of the Plaintiffs.

WHEREFORE, the Plaintiffs pray as follows:

1. That this Court issue a declaratory judgment declaring that the warrant and affidavit employed as alleged hereinabove are unlawful and that the pattern and practice of indiscriminately stopping and interrogating employees of Latin origin is unlawful;

Further, that this Court issue a declaratory judgment that the Defendants may not, with or without a warrant for specific individuals, engage in a pattern of stopping or questioning the work force in a plant where the individuals questioned have done nothing unlawful or suspicious and where the warrant does not specifically name or describe the individuals stopped or questioned.

2. That this Court issue a permanent injunction against the use of search warrants which are not particularized with respect to the individuals described, and which are issued without reasonable cause to believe that any criminal conduct or violation of law has occurred, and further, for an order enjoining the Defendants from arresting, detaining, stopping and interrogating or otherwise interfering with the rights of the Plaintiffs ostensibly because of their Latin appearance, unless the Defendants possess a valid warrant and search or arrest with regard to the individual plaintiffs, have probable cause to search or arrest individual plaintiffs without a warrant, or have reasonable suspicion based on specific irrefutable facts that the plaintiffs are aliens unlawfully in the United States;

3. For a preliminary injunction against the use of search warrants which are not particularized with respect to the individuals described, and which are issued without reasonable cause to believe that any criminal conduct or violation of law has occurred, and further, for an order enjoining the Defendants from arresting, detaining, stopping and interrogating or otherwise interfering with the rights of the plaintiffs ostensibly because of

their Latin appearance, unless the Defendants possess a valid warrant to search or arrest with regard to the individual plaintiffs, have probable cause to search or arrest individual plaintiffs without a warrant, or have reasonable suspicion based on specific irrefutable facts that the plaintiffs are aliens unlawfully in the United States;

4. For such other and further relief as to this Court seems just and proper.

DATED: June 9, 1978

LEVY, KOSZDIN, GOLDSCHMID  
& SROLOFF

By: /s/ Henry Fenton  
HENRY R. FENTON

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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78 3246 WMB (GX)

THE INTERNATIONAL LADIES GARMENT WORKERS UNION,  
AFL-CIO, HERMAN DELGADO, RAMONA CORREA, FRAN-  
CIS LAVONTE, and MARIA MIRAMONTES, ON BEHALF OF  
THEMSELVES AND ALL PERSONS SIMILARLY SITUATED,  
PLAINTIFFS

*vs.*

JOSEPH SURECK, GRIFFITH [sic] B. BELL, LEONEL J. CAS-  
TILLO and THE IMMIGRATION AND NATURALIZATION  
SERVICE, DEFENDANTS

---

COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF

Plaintiffs complain and allege as follows:

1. This is a civil action for declaratory relief and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202. The jurisdiction of this Court is invoked under 28 U.S.C. §§ 1331 and 1343, this being an action arising under the Fourth and Fifth Amendments to the United States Constitution and 42 U.S.C. § 1981.

2. Plaintiff, INTERNATIONAL LADIES GARMENT WORKERS UNION, AFL-CIO (hereinafter ILGWU) is a labor organization within the meaning of the National Labor Relations Act. Its principal office and place of business in the Western United States is located in Los Angeles, California. The ILGWU has been certified as the exclusive representative of production and maintenance employees at Southern California Davis Pleating Co. and at Mr. Pleat pursuant to Section 9 of the Na-

tional Labor Relations Act. The ILGWU also represents thousands of other garment workers, the vast majority of whom are of Latin ancestry who are employed in numerous shops throughout the Central Judicial District of California.

3. The ILGWU is suing in its representative capacity in behalf of its members and workers it represents as exclusive bargaining representative pursuant to the Labor-Management Relations Act, 1947 (29 U.S.C. §§ 141 *et seq.*.)"

4. Plaintiff, HERMAN DELGADO, was born in Puerto Rico and is, and at all times mentioned herein has been, a naturalized citizen of the United States. He is a full time employee of Southern California Davis Pleating Co. and has been so employed since September, 1975. He is a member of the ILGWU.

5. Plaintiff, RAMONA CORREA, is employed at Southern California Davis Pleating Co. and has been so employed continuously for over nineteen years. She is a citizen of the United States and is a member of the ILGWU.

6. Plaintiff, FRANCIS LAVONTE, was born in Mexico and has been a legal resident of the United States for eighteen years. She is an employee of Southern California Davis Pleating Co. and is a member of the ILGWU.

7. Plaintiff, MARIA MIRAMONTES, was born in Mexico and has been a legal resident of the United States since 1944. She is an employee at Mr. Pleat and has been so employed for eighteen years.

8. Defendant, GRIFFITH B. BELL, is Attorney General of the United States and is Chief Administrative Officer of the United States Justice Department, which department contains the Immigration and Naturalization Service. As Attorney General he is authorized by statute to control, direct, and supervise all employees and operations of the Immigration and Naturalization Service.

9. Defendant, LEONEL J. CASTILLO, is Commissioner of Immigration and Naturalization. He is Chief

Administrative Officer of the Immigration and Naturalization Service and, subject to the authority of the Attorney General, is authorized to control, direct, and supervise all employees and operations of the Immigration and Naturalization Service.

10. Defendant, JOSEPH SURECK, is the District Director of the Immigration and Naturalization Service and has offices located at 300 North Los Angeles Street, Los Angeles, California. He is Chief Administrative Officer of all operations of the Immigration and Naturalization Service in the Southern California area. All of the actions complained of in this complaint were performed under his direction.

11. Defendant, IMMIGRATION AND NATURALIZATION SERVICE, (hereinafter INS) is an agency of the United States Government contained within the Department of Justice. The specific actions complained of herein were performed by agents of the INS under the direction and control of Attorney General Griffith B. Bell, Commissioner Leonel J. Castillo, and District Director Joseph Sureck.

12. Plaintiffs bring this action on behalf of themselves and a class action on behalf of others similarly situated pursuant to Rule 23(a) and (b) of the Federal Rules of Civil Procedure. The class is defined as all persons of Latin ancestry or of a Spanish surname who are, will be or have been employed in the garment industry or in any other industry in the Central Judicial District of California.

13. The persons who constitute the class are so numerous that joinder of all members is impracticable; there are questions of law and fact common to the entire class; the claims of the Plaintiffs are typical of the claims of the entire class and the Plaintiffs will fairly and adequately protect the interests of the entire class.

14. Southern California Davis Pleating Co. is located at 1100 East 10th Street, Los Angeles, California. It employs some 500 employees, in excess of ninety percent

of whom are of Latin ancestry and have Spanish surnames. Among its employees are Plaintiffs, HERMAN DELGADO, RAMONA CORREA, and FRANCIS LAVONTE.

15. Early in the morning on January 4, 1977, a large number of agents of the Immigration and Naturalization Service suddenly appeared on the premises of the Southern California Davis Pleating Company. The Plaintiffs are informed and believe and on that basis allege that there were from 30 to 40 agents who appeared at that time on that date. Those agents sealed off all entrances and exits to the building and engaged in a massive and systematic interrogation of those employees employed at Southern California Davis Pleating Company who appeared to be of Latin origin.

16. On January 4, 1977, virtually all Latin appearing employees among the some 500 employees in the Company, were interrogated about their citizenship. At no time prior to this questioning did the INS agents inform any of the employees of their right to remain silent or of their other rights under the Fifth Amendment.

17. The plaintiffs are informed and believe and thereon allege that many of the Southern California Davis Pleating Company employees who indicated that they were citizens of the United States were further interrogated by the INS agents regarding matters such as their current residence, previous places of residence, and where they attended school.

18. Although a few individual employees ran toward the back of the plant when the INS agents entered, the great majority of the employees remained in their work positions upon entry of the Defendants. They did nothing unusual or suspicious to justify the systematic stops and interrogations that took place. Generally, these employees were dressed normally and were simply doing their work when they were approached and questioned by the INS agents. The only basis employed by the Defendants for determining which employees to question was whether

or not they appeared to be, from their features, facial characteristics and their clothing, of Latin origin.

19. As a result of these unlawful interrogations, some 78 employees who were unable to provide immediate proof of their right to be in this country were formally arrested and were handcuffed and removed from the premises.

20. The raid at Southern California Davis Pleating Company on January 4, 1977, occurred under the ostensible authority of a search warrant. A true and correct copy of that search warrant and of the affidavit for that search warrant is attached hereto as Exhibit "A" and incorporated by reference as though fully set forth herein.

21. A true and correct copy of the return to that search warrant revealing that 78 individuals were seized as evidence, is attached hereto as Exhibit "B" and incorporated hereby by reference as though fully set forth herein.

22. The search warrant which was the ostensible basis for the raid on January 2, 1977, was violative of the Fourth Amendment to the Constitution of the United States of America, was an invalid search warrant and provided no legal basis for the intrusion upon the privacy of the Plaintiffs that occurred in the instant case as alleged herein.

23. On or about September 27, 1977, some 30 to 40 agents of the INS returned to the premises of the Southern California Davis Pleating Company and again engaged in a massive interrogation of the some 500 employees employed at that plant.

24. The September 27, 1977 raid at Southern California Davis Pleating Co. occurred under the ostensible authority of a search warrant, a true and correct copy of which is attached hereto as Exhibit "C" and incorporated herein by reference as though set forth at length. A true and correct copy of the return to that search warrant revealing that 30 individuals were seized as evi-

dence is attached hereto as Exhibit "D" and incorporated herein by reference as though set forth at length.

25. The search warrant which was the ostensible basis for the raid of September 27, 1977, was violative of rights guaranteed Plaintiffs by the Fourth Amendment to the Constitution of the United States of America, was an invalid search warrant and provided no legal basis for the intrusion upon the privacy of the Plaintiffs that occurred as alleged herein.

26. In this second raid, as in the first, INS agents were observed sealing off the entrances and exits of the factory and thereafter proceeding to interrogate employees as they were working at their machines, proceeding in sequence up and down the rows of employees seated at their work stations. Again, no employees were informed of their Constitutional rights prior to being questioned.

27. Once again, a few employees ran to the back of the plant when the agents entered but the great majority did nothing suspicious, but simply remained at their work stations, committed no crime, but were systematically interrogated by the same 30 to 40 agents who entered the plant.

28. In the raid of September 27, 1977 as in the earlier raid, it appeared that for the most part the only employees who were skipped over were those who appeared to be caucasion or black. Almost all employees who appeared to be of Latin origin, were interrogated on that basis.

29. Plaintiff, RAMONA CORREA, who is and appears to be of Latin ancestry, was among those approached and interrogated by agents of the INS on September 27, 1977, despite her having done nothing unusual or suspicious to justify such harrassment.

30. In the second raid at the Southern California Davis Pleating Company, the Plaintiff, HERMAN DEL-GADO, was approached by an agent of the Immigration and Naturalization Service and was interrogated. He

was questioned about his citizenship. When he responded that he was a United States citizen, he was asked in what country he was born. When he responded that he was a naturalized citizen originally from Puerto Rico, he was asked the city in Puerto Rico from which he originated.

31. The agent of the INS who questioned the Plaintiff, DELGADO, then spoke to another INS agent in front of MR. DELGADO so that he could hear and told the other agent that MR. DELGADO's English was too good but that next time "they'd check him out."

32. As a result of the pattern and practice of interrogation of employees of Latin extraction, which occurred as described hereinabove, and as a result of the arrest of numerous persons who were unable to immediately provide the INS with documentation of their legal residence, the Plaintiff, DELGADO, is fearful that commensurate with the threat of the agent who interrogated him, the Defendants will return at any time, will subject him to harrassment, interrogation and/or will arrest him in the event that he is unable to produce papers on the spot establishing that he is a United States citizen.

33. On October 3, 1977, following the pattern and practice evidenced by the raids at Southern California Davis Pleating Co., agents of the INS appeared at the premises of Mr. Pleat, 1350 Margo Street, Los Angeles, California. These agents sealed off the exits from the factory and engaged in massive and systematic interrogation of Mr. Pleat employees, including Plaintiff, MARIA MIRAMONTES, who appeared to be of Latin origin.

34. The agents conducting this raid did not present a search warrant nor did they ask permission of anyone before conducting their sweep of the factory. Plaintiffs are informed and believe and on that basis allege that the intrusion of October 3, 1977 occurred without any search warrant.

35. As in the other raids the INS agents systematically questioned employees of Latin ancestry regardless of whether they behaved suspiciously or not.

36. As a result of this raid, approximately 70 persons, all of Latin extraction, were arrested and taken away because they were unable to produce immediate proof of lawful residence.

37. The individual Plaintiffs and members of the Plaintiff class are aware that the defendants have been engaging in a pattern and practice of raiding manufacturing plants and other plants within the garment industry on virtually a daily basis in the same manner as occurred at Southern California Davis Pleating Company and at Mr. Pleat. These raids are plainly and indiscriminately directed at persons of Latin origin, a great majority of which agents of the INS have no reason to suspect of having engaged in any criminal activity or in any other illegal conduct, with the result that the individual Plaintiffs and members of Plaintiff class are fearful that they will in the future be subjected to unjustified harrassment, questioning and arrest at the hands of the Defendants, all in derogation of their Constitutional rights.

38. The Defendants have generally within the last two or three years engaged and continue to engage in a pattern and practice of raiding establishments within the garment industry in Southern California through the use of ostensible search warrants which are in precisely the same form as Exhibit "A" and "C" to this Complaint, which uniformly refer to persons as "fruits and instrumentalities and evidence of violations of Title 8 United States Code, Sections 1324 and 1325," and which uniformly are based upon defective affidavits stating only that the affiant, an INS officer, or some other INS officer who informed the affiant, spoke to certain "illegal aliens" who stated that they believed, based on general conversations with other employees in a particular establishment, that those other employees were also illegal aliens. The

affidavits contained no specific indication of the basis upon which the informant concluded that his or her co-employees were illegal aliens, nor any information showing the reliability of the informant.

39. Plaintiffs are informed and believe and thereon allege that Defendants have also within the last two or three years engaged and continue to engage in a pattern and practice of raiding establishments in a manner similar to that employed at Southern California Davis Pleating Co. after having obtained the consent of the owner of the target factory.

40. These raids are also conducted in violation of Plaintiffs Fourth and Fifth Amendment rights and the purported consent of the factory owner does not constitute a valid waiver of these constitutional guarantees.

41. Because the above-described conduct of Defendants occurs at the work place, the members of Plaintiff ILGWU who are also members of Plaintiff class, look to the union for the protection and vindication of their rights. Moreover, Defendant's pattern and practice of subjecting employees to massive interrogations, pursuant either to warrant or an employer's consent, affects the conditions of employment of those employees, undermines the members faith in the ability of Plaintiff union to protect their rights, and harms Plaintiff ILGWU in its ability to represent these employees and to organize other employees.

42. Regardless of whether the Defendants utilize the search warrant device described above or enter without a warrant pursuant to a factory owner's permission, they engage in massive interrogations and arrests as has been described above, without ever obtaining any valid consent for such intrusion and interrogation on the part of the employees who are interrogated.

43. By engaging in the above-described conduct the Defendants have violated and continue to violate the rights of Plaintiffs against unreasonable search and seizure and against self incrimination and their right to due process and privacy. Unless injunctive relief as

prayed for is granted, the Defendants will continue to engage in further and perhaps more extensive violations of the constitutional rights of the Plaintiff class.

44. There is no adequate remedy at law to prevent further violations of the constitutional rights of the Plaintiffs and the Plaintiffs will be irreparably injured unless injunctive relief as prayed for is provided as a result of the violation of their constitutional rights.

WHEREFORE, the Plaintiff prays as follows:

1. That this Court issue a declaratory judgment declaring that surveys of the immigration status of the employees of a business establishment are unlawful unless conducted pursuant to a valid search warrant or the consent of the persons to be searched. That the warrant and affidavits employed as alleged hereinabove, are unlawful, that an employer may not lawfully consent to a search of his employees and that the pattern and practice of indiscriminately stopping and interrogating employees of Latin origin is unlawful.

Further, that this Court issue a declaratory judgment that the Defendants may not, with or without a warrant, engage in a pattern of stopping or questioning the work force in a plant where the individuals questioned have done nothing unlawful or suspicious and where the warrant does not specifically name or describe the individuals stopped or questioned.

2. That this Court issue a permanent injunction against the use of search warrants which are not particularized with respect to the individuals described, and which are issued without reasonable cause to believe that any criminal conduct or violation of law has occurred, and further, for an order enjoining the Defendants from arresting, detaining, stopping and interrogating or otherwise interfering with the rights of the Plaintiffs and the class they represent because of their Latin appearance, unless the Defendants possess a valid warrant to search or arrest with regard to the individual Plaintiffs, have

probable cause to search or arrest individual Plaintiffs without a warrant, or have reasonable suspicion based on specific irrefutable facts that the Plaintiffs are aliens unlawfully in the United States.

3. That this Court issue a preliminary injunction against the use of search warrants which are not particularized with respect to the individuals described, and which are issued without reasonable cause to believe that any criminal conduct or violation of law has occurred, and further, for an order enjoining the Defendants from arresting, detaining, stopping and interrogating or otherwise interfering with the rights of the Plaintiffs and the class they represent because of their Latin appearance, unless the Defendants possess a valid warrant to search or arrest with regard to the individual Plaintiffs, have probable cause to search or arrest individual Plaintiffs without a warrant, or have reasonable suspicion based on specific irrefutable facts that the Plaintiffs are aliens unlawfully in the United States.

4. That this Court issue a permanent injunction against the practice of surveying the employees of business establishments pursuant only to the consent of the employer and without the consent of the employees themselves.

5. That this Court issue a preliminary injunction against the practice of surveying the employees of business establishments pursuant only to the consent of the employer and without the consent of the employees themselves.

6. That this Court issue a preliminary injunction against the conduct of surveying the work force of a business establishment without first informing the employees to be interrogated of their Fifth Amendment rights.

7. That this Court issue a preliminary injunction against the practice of surveying the work force of a business establishment without first informing the em-

ployees to be interrogated of their Fifth Amendment rights.

8. For such other and further relief as this Court finds just and proper.

DATED: August 15, 1978.

LEVY & GOLDMAN

By: /s/ Henry Fenton  
HENRY R. FENTON

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

No. CV 78-0740-LEW(PX)

THE INTERNATIONAL LADIES GARMENT WORKERS UNION,  
AFL-CIO, ET AL., PLAINTIFFS

v.

JOSEPH SURECK, ET AL., DEFENDANTS

ANSWER TO AMENDED COMPLAINT

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Defendants, in answer to the amended complaint of plaintiffs, hereby admit, deny, and allege as follows:

1. Paragraphs 1, 3, and 13 are conclusions of law and require no response; however, if deemed to be statements of fact, they are denied.
2. Deny paragraphs 2, 4, 5, 7, 14, 15, 16, 21, 33, 34, 35, 39, 40, 41, and 42 for insufficient information or knowledge.
3. Deny paragraph 6 and allege, on information and belief, that plaintiff Guadalupe Rodriguez is not a United States citizen but is an alien unlawfully in the United States.
4. As to paragraphs 8 and 9, admit that Griffin Bell is the Attorney General of the United States and Leonel Castillo is the Commissioner of the Immigration and Naturalization Service. The remainder of said paragraphs are conclusions of law and require no response; however, if deemed to be a statement of fact, they are denied.
5. Deny paragraphs 10, 17, 18, 19, 20, 24, 27, 28, 29, 30, 31, 32, 38, 43, 44, 45, 46, 47, and 48.

6. Admit paragraph 11, except that there was no raid on January 4, 1978. Agents entered by valid search warrant.

7. As to paragraph 12, defendants admit that INS is an agency within the United States Department of Justice; deny the remainder of said paragraph.

8. Paragraph 22 is a conclusion of law and requires no response; however, if deemed to be a statement of fact, it is denied, except that defendants admit that a search warrant was used on January 4, 1977 to gain entry to Southern California Davis Pleating Company.

9. As to paragraph 23, defendants allege that 78 aliens illegally in the United States were apprehended at Southern California Davis Pleating Company on January 4, 1977.

10. As to paragraphs 25 and 26, defendants admit that INS agents went to Southern California Davis Pleating Company on September 27, 1977 and deny the remainder of said paragraphs.

11. As to paragraphs 36 and 37, defendants allege that INS agents entered Mr. Pleat on October 3, 1977 with consent and deny the remainder of said paragraphs.

12. Defendants admit that paragraph 49 sets forth that which plaintiffs pray for and deny the Court has jurisdiction to grant such relief.

13. Defendants deny each and every allegation of plaintiffs' amended complaint which has not expressly been admitted, denied, or qualified herein.

14. Defendants deny that plaintiffs are entitled to the relief prayed for or to any relief whatsoever.

#### FIRST AFFIRMATIVE DEFENSE

The Court lacks jurisdiction over the subject matter of the instant action inasmuch as there is no case or controversy, plaintiffs lack standing, and no proper jurisdictional basis is alleged.

**SECOND AFFIRMATIVE DEFENSE**

The amended complaint fails to state a claim upon which relief can be granted.

**THIRD AFFIRMATIVE DEFENSE**

No service has been made on James Robinson. Therefore, the action should be dismissed as to him for lack of in personam jurisdiction and for insufficiency of process.

WHEREFORE, defendants pray that the Court deny plaintiffs the relief they seek, tax them for all costs incurred in this action, and award to defendants such other relief as is just and reasonable.

DATED: This 15 day of September, 1978.

ANDREA SHERIDAN ORDIN  
United States Attorney

FREDERICK M. BROSIO, JR.  
Assistant United States Attorney  
Chief, Civil Division

CAROLYN M. REYNOLDS  
Assistant United States Attorney

/s/ Lawrence B. Gotlieb  
LAWRENCE B. GOTLIEB  
Assistant United States Attorney  
Attorneys for Defendants

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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No. CV 78-3246-LEW (GX)

THE INTERNATIONAL LADIES GARMENT WORKERS UNION,  
AFL-CIO, HERMAN DELGADO, RAMONA CORREA, FRAN-  
CIS LAVONTE, AND MARIA MIRAMONTES, ON BEHALF OF  
THEMSELVES AND ALL PERSONS SIMILARLY SITUATED,  
PLAINTIFFS

v.

JOSEPH SURECK, GRIFFIN B. BELL, LEONEL J. CASTILLO  
AND THE IMMIGRATION AND NATURALIZATION SERVICE,  
DEFENDANTS

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## ANSWER TO COMPLAINT

Defendants in answer to the complaint of plaintiffs hereby admit, deny, and allege as follows:

1. Paragraphs 1, 3 and 12 are conclusions of law and require no response; however, if deemed to be statements of fact; they are denied.
2. Deny paragraphs 2, 4, 5, 6, 7, 13, 14, 29, 30, 31, 32, 36 and 41 for insufficient information or knowledge.
3. As to paragraphs 8 and 9, admit that Griffin Bell is the Attorney General of the United States and Leonel Castillo is the Commissioner of the Immigration and Naturalization Service. The remainder of said paragraphs are conclusions of law and require no response; however, if deemed to be statements of fact, they are denied.
4. Deny paragraphs 10, 15, 16, 17, 18, 19, 22, 25, 26, 27, 28, 35, 37, 38, 40, 42, 43 and 44.
5. As to paragraph 11, defendants admit that INS is an agency within the United States Department of Justice; deny the remainder of said paragraph.

6. Paragraph 20 is a conclusion of law and requires no response; however, if deemed to be a statement of fact, it is denied, except that defendants admit that a search warrant was used on January 4, 1977 to gain entry to Southern California Davis Pleating Company.

7. As to paragraph 21, defendants allege that 78 aliens illegally in the United States were apprehended at Southern California Davis Pleating Company on January 4, 1977.

8. As to paragraphs 23 and 24, defendants allege that INS agents went to Southern California Davis Pleating Company on September 27, 1977 and deny the remainder of said paragraphs.

9. As to paragraphs 33 and 34, defendants allege that INS agents entered Mr. Pleat on October 3, 1977 with consent and deny remainder of said paragraphs.

10. As to paragraph 39, defendants allege that entry into a factory is made only after consent to enter is given or a search warrant has been issued; deny the remainder of said paragraph.

11. Defendants deny each and every allegation of plaintiffs' complaint which has not expressly been admitted, denied, or qualified herein.

12. Defendants deny that plaintiffs are entitled to the relief prayed for or to any relief whatsoever.

#### **FIRST AFFIRMATIVE DEFENSE**

The Court lacks jurisdiction over the subject matter of the instant action inasmuch as there is no case or controversy, plaintiffs lack standing, and no proper jurisdictional basis is alleged.

#### **SECOND AFFIRMATIVE DEFENSE**

The complaint fails to state any claim upon which relief can be granted.

THIRD AFFIRMATIVE DEFENSE

Any claims in the action are barred by laches.

WHEREFORE, defendants pray that the Court deny plaintiffs the relief they seek, tax them for all costs incurred in this action, and award to defendants such other further relief as is just and reasonable.

DATED: This 24th day of October, 1978.

ANDREA SHERIDAN ORDIN  
United States Attorney  
FREDERICK M. BROSIO, JR.  
Assistant United States Attorney  
Chief, Civil Division  
CAROLYN M. REYNOLDS  
Assistant United States Attorney

/s/ Lawrence B. Gotlieb  
LAWRENCE B. GOTLIEB  
Assistant United States Attorney  
Attorneys for Defendants

U.S. DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service  
THE LAW OF SEARCH AND SEIZURE  
FOR IMMIGRATION OFFICERS

M-69

(Rev. June 1979)

**I. Sources of Authority**

The authority exercised by the employees of the Immigration and Naturalization Service stems from four principal sources. They are: (1) United States Constitution; (2) statutes enacted by Congress, chiefly the Immigration and Nationality Act of 1952, as amended (INA), 8 U.S.C. 1101 et seq.; (3) published administrative regulations implementing those statutes, 8 C.F.R. 1 et seq.; and (4) interpretations of the Constitution, laws, and regulations by the courts, the Board of Immigration Appeals, and the Service.

The Attorney General is charged by statute with the administration and enforcement of the Immigration and Nationality Act and all other laws relating to the immigration and naturalization of aliens. He is authorized to delegate to employees of the Service or to any officer or employee of the Department of Justice in his discretion any of the duties and powers imposed upon him by the Act, and he may impose such duties on any employee of the United States, with the consent of the head of the department or agency under whose jurisdiction the employee is serving.<sup>1</sup> By regulation the Attorney General has delegated administrative enforcement authority to the Commissioner of Immigration and Naturalization.<sup>2</sup> By regulation the Commissioner in turn has redelegated authority to immigration officers. The term "immigration officer" includes, among others, immigration inspectors, Border

Patrol agents, and investigators.<sup>3</sup> (See Section II. Definitions below.)

## II. Definitions

*Arrest:* Actual or constructive seizure or detention of the person performed with the intention to effect an arrest and so understood by the person detained.

*Border search:* Search made at the border or its functional equivalent. Immigration officers do not need probable cause to make a border search of any vessel, aircraft, railway car, or other conveyance or vehicle in which they believe aliens are being brought into the United States. They do not need probable cause to search, at the border or functional equivalent, any person seeking admission into the United States if they have reason to suspect that grounds exist for exclusion from the United States which would be disclosed by such search.

### *Degrees of suspicion:*

1. *Mere suspicion*—at the border or its functional equivalent, all that an immigration officer needs to justify a search and comply with the requirements of the Fourth Amendment. This is supplied by the mere fact that the person is attempting to enter the United States from abroad and may reasonably be required to demonstrate that he and his belongings are entitled to enter the United States.

2. *Reasonable suspicion of alienage*—the degree of suspicion that an immigration officer must have before he may constitutionally *stop and question* a pedestrian or a person in a factory, restaurant, or similar establishment. This suspicion must be based on more than ethnic physical appearance, e.g. Mexican or Chinese ancestry. This "reasonable suspicion" must be based on "specific articulable facts"—particular characteristics or circumstances which the officer can, if called upon, describe in words—such as

foreign manner of dress or grooming, apparent inability to speak English, officer's knowledge of a high concentration of aliens in the area, or a specific tip from a reliable informant.

3. *Reasonable suspicion that person is an alien illegally in the United States*—the degree of suspicion that an immigration officer must have before he may constitutionally *detain*, short of arrest, for further questioning, a pedestrian or a person in a factory, restaurant, or similar establishment. Where this higher degree of suspicion arises it is generally after initial questioning on the basis of suspicion of alienage alone. It may be based on such factors as the officer's knowledge of a high concentration of illegal aliens in the area or of recent illegal border crossings, a specific tip from a reliable informant, the subject's excessive nervousness or studied nonchalance upon being in the presence of or questioned by an immigration officer, or the subject's admissions.

4. *Reasonable suspicion that a vehicle contains an alien or aliens who may be in the United States illegally*—the degree of suspicion which an immigration officer or roving patrol or at temporary checkpoints must have before he may constitutionally stop a vehicle to question its occupants. This suspicion may be based on factors similar to those described in 3 above as well as on features of the vehicle such as fold-down seats, spare tire compartments where a person could be concealed, a large number of passengers, or an unusually heavy load.

5. *Probable cause*—the degree of suspicion which an officer must have that an offense within his jurisdiction has been or is being committed before he may constitutionally search a vehicle (except at the border or its functional equivalent, or incident to the arrest of an occupant of the vehicle) and before he may make an arrest. An officer has probable cause to arrest or search if he knows of evidence and circum-

stances which would warrant a person of reasonable caution in the belief that an offense has been or is being committed.

*Detention not amounting to arrest*: Temporary forcible restraint, usually for the purpose of conducting further interrogation.

*Frisk*: Pat-down of outer clothing of person suspected of being armed and dangerous, for the purpose of detecting a weapon. This is a limited form of search.

*Functional equivalent of the border*: Point marking the intersection of two or more roads extending from the border without any major intervening crossroad; or an airport in relation to a nonstop flight from abroad.

*Interrogation*: Questioning by immigration officers designed to elicit information concerning immigration status; goes beyond casual conversation.

*Immigration officer*: Any immigration inspector, immigration examiner, border patrol agent, airplane pilot, deportation officer, detention officer, detention guard, investigator, general attorney (nationality), trial attorney (immigration), general attorney (immigration), or supervisory officer of such employees.

*Miranda warning*: Warning given to an individual who is in custody and suspected or accused of crime that: (1) he has the right to remain silent; (2) anything he may say may be used against him in a subsequent proceeding; (3) he has the right to consult with a lawyer and to have the lawyer with him during interrogation; and (4) if he is indigent, a lawyer will be appointed to represent him.

*Stop and question* ("question" equals "interrogate") : Less intrusive than detention when a pedestrian is involved; requires the cooperation of the person stopped and questioned. When a vehicle is involved, it is the equivalent of detention not amounting to arrest.

*d. Private lands, other than dwellings*

Section 287(a) (3) of the INA grants to immigration officers access to private lands, but not dwellings,

within 25 miles from any external boundary of the United States for the purpose of patrolling the border to prevent the illegal entry of aliens into the United States. "Patrolling the border to prevent the illegal entry of aliens into the United States" as used in that section means conducting such activities as are reasonable and necessary to prevent the illegal entry of aliens into the United States.<sup>12</sup>

Service policy, as expressed in O.I. 287.3, instructs patrol officers to inform the owner or occupant of private lands that they propose to avail themselves of their power of access to those lands. If a direct challenge is made to an officer's authority to carry out duties by a rancher, farmer or plant operator, etc., the matter should immediately be brought to the attention of the office supervisor. In most cases consent will be given in advance for extended periods; if not, and after all methods of persuasion have failed, including efforts by personal interview and the placing of the landholder on notice of the law by registered mail, officers may gain access to areas within the 25-mile area by the most expeditious means, if absolutely necessary. This is an extreme measure and is to be resorted to only on the direction of a supervisory officer after careful consideration. The fences and gates should be repaired immediately and precautions taken to avoid damage to the property. (Whether and what kind of legal action may be taken against immigration officers who thus or otherwise enter private land is discussed at VI below.)

The authority of section 287(a)(3) may be invoked to obtain entry onto land when such entry is for the purpose of patrolling the border to prevent the illegal entry of aliens. However, when properly on the land, INS officers may question persons found there regardless of whether those persons are believed to be recent illegal entrants into the United States.

Most of the decided cases in which private prop-

erty has been entered do not involve open lands at the border but rather involve investigations in buildings in urban areas, portions of which are open to the public, such as restaurants, factories, and hospitals. According to INS policy, these buildings are not encompassed by the grant of authority in section 287 (a) (3) even if they are located within 25 miles of an external boundary. Although immigration officers do not need permission to enter the public areas of these buildings, it is advisable to request permission to enter.<sup>13</sup> Moreover, consent or a search warrant is needed to search the nonpublic areas of these establishments, unless there are exceptional circumstances. See V.E.

To stop and question a person encountered in establishments such as restaurants, factories, or hospitals, or beyond 25 miles from any external boundary of the United States, regarding his right to enter or remain in the United States, an officer must have a reasonable suspicion based on specific articulable facts and rational inferences drawn from those facts that the person is an alien.<sup>14</sup> However, to detain such a person, the officer must have a reasonable suspicion that he is an alien illegally in the United States.<sup>15</sup> (See 3. below.)

## *2. Frisk permitted? Other search?*

An officer may frisk—i.e. pat down the outer clothing of—a person he has stopped for questioning if he believes that the individual may be armed and dangerous, in order to guarantee the officer's own safety and that of others. If the officer feels something which may be a weapon, he may reach inside the person's outer clothing to remove it. A limited search of this type may be made without probable cause for arrest and without the absolute certainty that the person is armed. The officer may also search the area within the subject's reach for the same purpose. Such a search is reasonable within the terms of the Fourth Amendment.<sup>16</sup> Any weapon seized as a result of

such a limited search, and/or any other object seized which feels like a weapon but which turns out not to be one, is admissible into evidence in subsequent proceedings.<sup>17</sup> A frisk for weapons is justified if made on the basis of a tip from an informant.<sup>18</sup>

In the stop and question situation, any other search beyond a frisk for weapons which is not made at the border or its functional equivalent must be based on consent, a search warrant, or probable cause.<sup>19</sup>

## DECLARATION

STATE OF CALIFORNIA        )  
                                  )    ss.  
COUNTY OF LOS ANGELES    )

I, PHILLIP SMITH, declare and state as follows:

1. I am Assistant Director for Investigations at the Los Angeles District Office of the Immigration and Naturalization Service. I have held this position for over three years. I have been an Immigration and Naturalization Service officer for over 25 years.

2. As Assistant Director in charge of Investigations, it is my job to oversee the Area Control operations of the Los Angeles District Office. "Area Control" refers to operations which are designed to locate and apprehend aliens illegally in the United States.

3. Since 1977, Area Control operations in the Central District of California have been limited primarily to factory surveys. I am of the opinion that of the alternatives available for Area Control law enforcement, the surveys are one of the least disruptive and most effective. This is for the following reasons: In my experience, one of the main incentives for persons to enter the United States illegally is to obtain work. Focusing INS law enforcement efforts on workplaces diminishes this incentive. In addition, because the INS conducts factory surveys only at workplaces known to be employing a significant number of illegal aliens, the factory surveys provide a means of apprehending a large number of illegal aliens in one law enforcement operation using relatively few agents. Finally, because surveys take place only during daylight hours and at workplaces they offer one of the least disruptive and intrusive methods of law enforcement available.

4. Our office estimates that there are currently no less than half a million illegal aliens living in Los Angeles alone. Through use of the factory surveys, our office has been able to apprehend as many as over one hundred ille-

gal aliens a day. In 1977, over twenty thousand illegal aliens were identified and arrested in the course of factory surveys.

5. Factory surveys are conducted according to certain procedures which are by now well-established in our office. First, the INS obtains either the workplace owner's consent or a warrant to enter the workplace in question. In approximately ninety percent of the surveys conducted, the owner of the workplace has given consent to the survey in advance of the survey. Warrants accordingly, are seldom used.

6. Surveys are usually performed several days to two weeks after consent is obtained. Non-uniformed INS agents wearing casual street clothes enter the workplace and circulate among the workers. The workers remain at their stations. The officers ask workers who appear to be aliens whether they are United States citizens. If a worker indicates that he is not a United States citizen, he is asked to show the documentation that non-citizens are required to carry pursuant to Title 8, United States Code, Section 1304(e). If a worker does not have the required proof of legal residence in the United States, he is temporarily detained in a pre-determined portion of the factory for further investigation. If a worker's illegal status is confirmed and he appears likely to flee, he is arrested, taken to INS headquarters and subsequently either deported or permitted to return voluntarily to his country.

7. In the course of my experience with the factory surveys, I have become aware that there are certain industries in which the percentage of illegal alien workers is higher than in other industries. Among the industries in which the percentage of illegal aliens workers is the highest is the garment industry.

8. When the INS has in the past used warrants to obtain access to workplaces, it has not made a practice of listing the names of each and every worker inside the workplace. In fact, to do so would be impossible. The factories at which surveys are most often performed em-

ploy hundreds of people. The composition of the work force is not stable and changes constantly.

9. Perhaps most importantly, employers' records list false names for the employees and inaccurate data concerning the workers' citizenship status. Our office frequently spot checks employers' records to ascertain whether the employers are employing a large number of illegal aliens. We find in the course of these checks that the employers' records typically list many persons as possessing valid alien registration receipt cards who, in fact, do not have such documents. We also have found, in comparing the names of the people arrested with the names in an employer's records, that the names which the employees have given to their employer are often false.

10. In obtaining the consent of the owner to enter a workplace, the INS has not in the past obtained the consent of each and every worker in addition to the consent of the owner or manager. Again, in my opinion, this would impossible. Factories at which surveys are conducted are factories which employ a substantial number of illegal aliens who have every wish to avoid being apprehended by the INS. There is virtually no chance that such a work force would unanimously consent to the entry of the INS into the workplace.

11. Our office maintains in the normal course of its activities records which show the number of workers employed at various factories where surveys have in the past been conducted. In 1977, our office conducted a survey at Mr. Pleat. Our records show that approximately 50 workers are employed at that factory.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: This 15th day of November, 1979.

/s/ Phillip Smith  
PHILLIP SMITH

## AFFIDAVIT OF PHILIP H. SMITH

I, PHILIP H. SMITH, having been duly sworn hereby depose and state that since May 26, 1976, I have been the Assistant District Director for Investigations, Immigration and Naturalization Service, 300 North Los Angeles Street, Los Angeles, California.

1. I am the prime supervisor and responsible for all investigative activities within the Los Angeles District of the United States Immigration and Naturalization Service. I have approximately 150 investigators and supervisors plus about 20 clerical employees under my supervision. I have the authority to establish policy and set guidelines with respect to investigative procedures and to also implement Immigration policies and policies established by the District Director.

2. Surveys for the purpose of detecting aliens illegally in the United States are conducted at various manufacturers and factories in the Los Angeles metropolitan area pursuant to policies established by the United States Immigration and Naturalization Service on a nation wide basis. It has been determined that due to the Immigration Service's limited manpower capabilities that surveys conducted at locations where aliens are employed would provide greater effectiveness in the detecting of those aliens who are in the United States illegally. This provides greater employment opportunities for persons having the legal right to reside in and be employed in the United States due to the apprehensions and removal of aliens illegally in the United States. On occasions more than 100 aliens who were in the United States illegally have been apprehended at different manufacturing companies in single survey operations.

3. Surveys are conducted by the Immigration Service in many different types of industries not only in the garment industry. Aliens illegally in the United States have been found in large numbers in the recreational vehicle industry, the womens' shoe industry, the womens' handbag industry, the garment industry and many other in-

dustries which depend upon large numbers of unskilled or semiskilled workers. Representatives of the Immigration Service usually contact the company after a complaint has been received that aliens who are in the United States illegally are employed by that particular company. A representative of the Immigration Service will contact the particular company to advise that such a report has been received, and the representative will then solicit cooperation from the company to permit the Immigration Service to conduct a survey at some future date. During the past two years that I have been the Assistant District Director for Investigations, more than 90% of the companies which were contacted have consented to allow the Immigration Service to conduct a survey.

4. At present our office is conducting approximately four surveys per week. Because of work force limitations we conduct a very limited number of surveys, mostly at small establishments. When the Investigations Branch of the Immigration and Naturalization Service in Los Angeles was fully staffed 20 to 30 Immigration officers normally engaged in surveys daily. About two or three surveys were conducted daily under normal circumstances with an average of about ten surveys being conducted weekly. No more than two or three of these surveys each month were conducted under a warrant. An average of about 200 aliens illegally in the United States were apprehended daily, of those, between 100 and 150 were apprehended as the result of a survey.

5. All Immigration investigators are instructed to be courteous to the public and to all aliens with whom they deal. All investigators performing enforcement work are instructed to be courteous and to treat humanely all aliens who are taken into Immigration Service custody. In my position as the Assistant District Director for Investigations, I am supposed to be made aware of any complaints that are made regarding mistreatment of aliens or the misbehavior of any investigator under my supervision. There is no record of any complaints regarding the conduct of any Immigration officer involved in surveys con-

ducted at the Southern California Davis Pleating Company on January 4, 1977 or on September 27, 1977 or at Mr. Pleat on October 3, 1977.

6. Surveys conducted by the Los Angeles Office of the Immigration and Naturalization Service are never "raids" wherein large numbers of Immigration officers run into the factory. The surveys are usually carefully planned with the management of the company having been contacted several weeks prior to the survey. Before the limited number of officers available to conduct a survey arrive, diagrams have been prepared indicating the various accesses to the company. Officers are usually stationed at various entrances and exits in order to guarantee that individuals will not escape. Under normal circumstances about 25 percent of those officers available to conduct the survey are stationed outside of the plant. Supervisory officers or officers designated to be in charge of the survey will then enter the office in order to advise the owner or manager of the business that the Immigration Service would like to conduct the survey. In instances where a search warrant is used, the search warrant is served at that time and the management of the company is given ample opportunity to make preparation for the survey. The selected number of officers then enter the building or structure. Officers never run into a factory or building unannounced.

7. An attempt is also made to conduct the survey as quickly as possible with the least amount of disruption to the company being surveyed, and with the least amount of inconvenience to persons being questioned. The usual survey of a large company (one with several hundred employees) takes between an hour and two hours.

8. With respect to the surveys conducted at the Southern California Davis Pleating Company on January 4, 1977, and on September 27, 1977, it was impossible to conduct massive interrogations of each and every person encountered at the company due to the large numbers of persons employed and due to the limited number of officers available to perform the surveys. When surveys

were conducted at the Southern California Davis Pleating Company on January 4, 1977 and again on September 27, 1977, a number of employees concealed themselves when they learned of the presence of Immigration officers at the company. A great amount of time and a large number of officers were required to locate persons who either ran from Immigration officers or who had concealed themselves.

9. Immigration officers during the survey usually speak to virtually all persons employed by a company, to either ascertain a person's immigration status or to seek information from that person. Often conversations will be directed to employees not suspected of being aliens illegally in the United States, merely to request from those persons if they have knowledge of employees who are illegally in the United States or any persons who have concealed themselves from Immigration officers. Frequently, an Immigration officer will speak to an employee in response to a question posed by the employee. On some occasions, an Immigration officer will have no need to talk to a particular individual regarding that individual's status in the United States. An Immigration officer may not speak to a particular individual when he recognizes that particular individual as someone with whom he has previously conversed. The Immigration officer may have also overheard conversations between an individual and someone else and because of that person's accent, vocabulary and word usage conclude that he has no reason to talk to the individual even if that person is of Latin American, Oriental or any other ethnic appearance.

10. With respect to the surveys conducted at the Southern California Davis Pleating Company on January 4, 1977 and again on September 27, 1977, the Los Angeles Immigration Office had received a number of reports stating that large numbers of aliens in the United States illegally were in the employ of that company. When surveys are conducted reasonable questions as to a person's identity and nationality are asked and in the majority of cases an individual who is in the United States illegally

admits such illegal status to an Immigration officer immediately when asked. Only upon that admission, or upon probable cause, is the alien then detained. At that time a determination is made if the person would be likely to abscond before a warrant could be obtained. In instances where a person is found hiding or after attempting to flee from an Immigration officer, such person is detained for questioning based on the premise that he did attempt to hide or abscond.

11. It has been found that most persons who are questioned regarding their status in the United States under the United States Immigration Laws will quickly and readily respond although there is no compulsion that they answer any question posed by the Immigration officer. All Immigration officers are instructed not to detain any person simply because the person will not voluntarily answer questions. All Immigration officers are instructed that they may detain a person for questioning only upon reasonable suspicion that the person is an alien who may be in the United States illegally.

12. The Los Angeles Office of the Immigration Service has no ongoing investigations relating to an employee or former employee of the Southern California Davis Pleating Company named Herman DELGADO. Nor does any Immigration officer at Los Angeles have any interest in inquiring whether Mr. DELGADO is an alien or a citizen of the United States. I know of no attempt or attempts made by any Immigration officer to contact Mr. DELGADO at his place of employment or at his residence.

Subscribed And Sworn to Before me This Day of  
1978 at Los Angeles, California

PHILIP H. SMITH  
Assistant District Director,  
Immigration and Naturalization Service  
Investigations  
Los Angeles, California  
Deputy Clerk  
U.S. District Court

## DECLARATION OF PHILIP H. SMITH

I, Philip H. Smith, having been duly sworn, hereby depose and state that I am the Assistant District Director for Investigations, Immigration and Naturalization Service ("INS"), Department of Justice, Los Angeles, California.

1. I am responsible for all investigative officers within the Los Angeles District of INS. Pursuant to policies established by the Department of Justice, surveys for the purpose of apprehending aliens illegally in the United States are conducted at work places in the Los Angeles area. The Department of Justice has determined that due to the very limited work force of INS the surveys should be conducted at places for which there is information that a factory is employing large numbers of illegal aliens.

2. Our office files indicate that the factory survey conducted at Southern California Davis Pleating on January 4, 1977, resulted in 78 illegal aliens being apprehended out of a work force of approximately 300. The survey of Southern California Davis Pleating Company on September 26, 1977, resulted in 39 illegal aliens being apprehended out of a work force of approximately 200. The survey of Mr. Pleat conducted on October 7, 1977, resulted in the apprehension of 45 illegal aliens out of a work force of approximately 90.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: This 17th day of January, 1980.

/s/ Philip Smith  
PHILIP SMITH

**AFFIDAVIT OF GAIL R. KEE**

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) 88.

I, GAIL R. KEE, being duly sworn, depose and state as follows:

- 1) that I am, and have been since April 10, 1972, employed as a criminal investigator with the Immigration and Naturalization Service and assigned to the Los Angeles District Office;
- 2) that as one of my principal tasks I am assigned to inquire into complaints and information about undocumented aliens who are working in industrial operations within the Los Angeles and Orange County areas;
- 3) that I was assigned to inquire as to the work force at Southern California Davis Pleating Company and Mr. Pleat based upon complaints made to our office;
- 4) that the following description of the conduct of surveys by the Immigration and Naturalization Service is precisely the manner in which the two surveys were conducted at Southern California Davis Pleating Company;
- 5) that it is my experience that in excess of 90% of the owners/operators of the industries that I contact, when informed of the complaints we have received about their work force, voluntarily cooperate and agree to allow Immigration and Naturalization Service officers to survey their operation;
- 6) that I personally set up the survey of Mr. Pleat, which was conducted on October 3, 1977 and the management of that company voluntarily consented to the survey operation;
- 7) that in some cases, as was true with Southern California Davis Pleating Company, the owner/operator does not consent to a survey operation or asks that we obtain a warrant;

- 8) that, where management refuses to authorize Immigration and Naturalization Service Officers to conduct a survey, I therefore attempt to determine if there exists probable cause to support the issuance of a search warrant;
- 9) that, Immigration and Naturalization Service Officers enter factories in a deliberate and careful manner because in their unfamiliarity with the factory layout they wish to avoid injuring themselves on moving machinery; on tools and materials protruding into narrow isles, on sharp objects, which may be difficult to detect, because of the possibility of physical assault, and to avoid missing any individuals who are seeking to conceal themselves;
- 10) that our officers entered Southern California Davis Pleating Company walking carefully on both occasions;
- 11) that as officers enter factories there are often cries from inside the building of *la migra* (the immigration) and individuals are almost always observed attempting to flee or to hide from detection, I personally observed this happen at Southern California Davis Pleating Company on both occasions;
- 12) that during a factory survey, I attempt to talk to as many persons as possible, either to determine if they are themselves aliens or to obtain information about other persons who may be illegally in the United States or who may be attempting to conceal themselves from detection, and where potential hiding places may be located;
- 13) that Immigration and Naturalization Service Officers are instructed never to stop and detain persons solely because of their Latin appearance (policy Memorandum attached, see Exhibit A);
- 14) that officers not only speak to persons of Latin appearance but speak to persons who are Oriental, Black, or Anglo in appearance and apprehend them upon a determination that they are illegally in the United States;
- 15) that a survey such as the one at Southern California Davis Pleating Company where there are approximately 800 employees, the surveys take from one to one

and one-half hours so that the time available for our limited number of officers to question any one person is, in general, limited to a few questions and a few minutes in time;

16) that I did not observe any individuals being "roughed up" or "abused" at Southern California Davis Pleating Company, and, were I to observe this happening, as a senior investigator I would rebuke the officer and inform my superiors.

Sworn And Subscribed Before me This Day of June at Los Angeles, California.

/s/ Gail R. Kee  
GAIL R. KEE  
Criminal Investigator  
Immigration and Naturalization Service  
Los Angeles, California

/s/ Stith P. Tinsley  
Deputy Court Clerk  
U.S. District Court

## INTERROGATORY NO. 6:

Do you contend that during factory surveys INS agents do not question individuals regarding their citizenship unless they have a reasonable suspicion based on specific articulable facts that the person questioned is an alien?

## ANSWER TO INTERROGATORY NO. 6:

Agents often have such a suspicion before they speak to people during a factory survey but we do not contend this is invariably the case.

## DECLARATION OF WAYNE A. CORNELIUS

I, WAYNE A. CORNELIUS, declare as follows:

I am Professor of Political Science and Director of the Program in United States-Mexican Studies at the University of California, San Diego. My formal academic training is in Political Science, Political Sociology, and Latin American Area Studies (A.B., *summa cum laude*, The College of Wooster, Ohio, 1967; M.A., Ph.D., Stanford University, 1968, 1974). I have been a Research Fellow of the Harvard University Center for International Affairs (1971-1972), Professor of Political Science at the Massachusetts Institute of Technology (1971-1979), and a Fellow of the Woodrow Wilson International Center for Scholars at the Smithsonian Institution, Washington, D.C. (1979-1980).

For the past twelve years I have specialized in studies of Mexican labor migration (both rural-to-urban migration within Mexico, and migration from Mexico to the United States). I have authored, co-authored, or edited six books and more than 30 research papers, published in professional journals and anthologies, in this field of research. Since 1970 I have directed major research projects dealing with Mexican labor migration sponsored by the National Science Foundation, the National Institute of Child Health and Human Development (a division of the

National Institutes of Health), the Smithsonian Institution, the Social Science Research Council, the Ford Foundation, and the Rockefeller Foundation. My current research on Mexican immigration is being supported by the California Policy Seminar, a joint research program of the state government of California and the University of California.

I have conducted more than four years of field research among migrant workers in rural and urban Mexico, and I personally interviewed 185 Mexican immigrants (both "undocumented" workers and legally resident Mexicans) residing in ten cities of California and Illinois during 1978. My most recent field studies in Mexico (1975 and 1976) included personal interviews with 500 Mexican workers who had been employed in the United States and returned to their communities of origin in the Mexican state of Jalisco.

I have reviewed the depositions of U.S. Immigration and Naturalization Service investigators Jack O. Weaver, Carlos Tellez, Jr., John Brechtel, Richard Rice, Patrick Joseph Walters, Gilbert Clarin, and Philip Smith, filed in the case of The International Ladies Garment Workers Union, AFL-CIO, et al., Plaintiffs, vs. Joseph Sureck, et al., Defendants, in the United States District Court, Central District of California. On the basis of this review, and of my own studies of Mexican immigrants as described above, I conclude that the various standards employed by Immigration and Naturalization Service (INS) investigators in determining whom to interrogate in the course of factory "raids" in California are either erroneous, inappropriate, or excessively vague, such as to pose a genuine threat to permanent legal resident aliens and U.S. citizens (either by birth or naturalization) of Hispanic origin who may be wrongfully interrogated in the course of such raids. My general finding is that the standards cited in the aforementioned depositions could not, in my judgement, enable INS investigators to distinguish between undocumented aliens and legal immi-

grants or U.S. citizens of Hispanic origin, with any reasonable level of accuracy.

Several INS investigators testified that workers who speak Spanish or who speak with a foreign accent are more likely to be questioned than those who are overhead speaking English or whose speech is unaccented. Among the Mexican immigrants whom I interviewed during 1978 in urban areas of California and Illinois (including the Los Angeles metropolitan area and the city of Santa Ana, Orange County, California), 33 percent of those who were *legally* resident (i.e., legal permanent resident aliens or U.S. citizens) had no English competence, and an *additional* 45 percent of these "legals" spoke only a little English. These legal workers had been in the United States for an average of 7.6 years. Among the undocumented Mexican workers whom I interviewed, 43 percent spoke no English, and 50 percent spoke only a little English. Thus, no fewer than one out of every three (and as many as three out of every four) legal permanent resident aliens or naturalized citizens of Mexican origin would be placed at risk by use of foreign speech or accent as a criterion for interrogation.

The low level of English speaking competence among Mexican immigrant workers is not surprising, due to certain characteristics of their workplaces. Among the *legally* resident Mexicans interviewed in my study in California and Illinois, 59 percent worked in jobs requiring no English competence. Sixty-nine (69) percent of these "legals" were employed in workplaces where a majority of their co-workers were Mexican nationals. Many of them (43 percent) even had job supervisors who were Mexican nationals or Chicanos, who spoke to them exclusively in Spanish or in accented English. Given these circumstances, it is uncommon for a legal Mexican immigrant to develop a fluent command of English—much less, unaccented English—through their work in the United States.

Most INS investigators testified that "Latin" physical appearance (i.e., dark hair, dark eyes, dark skin, etc.)

was an important factor in determining whom to interrogate in factory raids. Even this criterion is not sufficiently precise to distinguish legally resident workers from undocumented aliens. Among the Mexicans whom I interviewed after their return to Mexico, who had worked as undocumented aliens in the United States on one or more occasions during the period 1969-1976, 18 percent had blue, gray, or green eyes, and 26 percent had light skin color. Sixteen (16) percent possessed all of the physical features normally associated with Caucasians (light eye, skin, and hair color, plus height above the average for Mexican nationals). Neither in this study nor in my more recent interviews among Mexican immigrants in California and Illinois did I find any statistically significant differences between legal immigrants (or U.S. citizens by naturalization) and undocumented migrants, in terms of skin color, eye color, hair color, height, or other physical characteristics.

Manner of dress is also, according to the depositions, relied upon by INS investigators in selecting subjects for interrogation. Some of the examples of dress allegedly "characteristic" of undocumented aliens which are cited in these depositions are simply erroneous (i.e., the vast majority of undocumented aliens working in U.S. urban areas do not dress in that fashion); others would be of little or no utility in distinguishing between undocumented aliens and U.S. citizens or legal permanent resident aliens of Hispanic origin. For example, in none of my interviews with urban-dwelling Mexican immigrants in California and Illinois did I encounter a single person—undocumented or legally resident—who was wearing Mexican sandals or *huaraches*, nor a *sombrero*. Such traditional Mexican peasant garb is worn today only by Mexicans working as agricultural laborers in the United States—never as factory workers or other urban workers. Among the urban-based Mexican immigrants, Mexican sandals or *huaraches* are worn only by a tiny minority *within their own residences*, as recreational footware, and

never in the workplace. Nor are Mexican undocumented aliens more likely than legal immigrant workers of Mexican origin to wear "loose-fitting leisure slacks" rather than jeans or other fashionable types of trousers. This is particularly true among younger Mexican immigrants—both undocumented and legally resident—who strive to emulate U.S.-born youths in their clothing, hair styles, wrist watches, and other aspects of apparel and personal appearance.

Age itself is an unreliable distinguishing criterion. INS investigator Brechtel testified that he was much more likely to interrogate a younger worker than an older one because of his impression that older persons have been in the United States for some time and are more likely to be citizens. Among my interviewees there was a positive correlation between age and duration of residence in the United States, as well as between age and legal-immigrant status (or U.S. citizenship through naturalization). However, among working-age Mexicans (aged 17 to 65), the age difference between undocumented aliens and legally resident workers was not large: The median age among the undocumented aliens was 27.0 years; among the legal permanent resident aliens and U.S. citizens by naturalization, it was 33.5 years.

Other INS investigators cited mannerisms such as avoidance of direct eye contact and nervousness while answering questions as valid criteria for identifying suspected illegal aliens. However, these mannerisms are common to Mexicans of lower-class background generally. They are particularly common among Mexicans originating in rural areas or small towns, and those who have little formal education. Most Mexican immigrants, whether undocumented or legally resident in the U.S., still come from rural or small-town environments, and have less than a complete primary-school education, even though the proportion of urban-origin and better-educated persons among the total flow of Mexican migrants to the United States is increasing gradually over time. Many

U.S.-born persons of Mexican parentage also share these attributes. In Mexico, avoidance of direct eye contact is a traditional sign of deference to authority figures or to upper-socioeconomic-status individuals, particularly in rural areas and small towns. Nervousness in answering questions posed by strangers (particularly law-enforcement officers) is also common among Mexicans originating in such areas, and among poorly-educated Mexicans in general. Among the Mexican immigrants whom I interviewed in California and Illinois, the legally-resident workers actually tended to have *less* formal education than the undocumented workers (an average of 3.4 years of schooling among the legal immigrants, vs. 5.6 years among the undocumented). When confronted by a law enforcement officer, these immigrants, and even their better-educated undocumented counterparts, may have difficulty in oral expression and display other signs of nervousness. Poor people in Mexico have been socialized to fear law enforcement officers of all types, who are more likely to abuse people of lower-class background than those of upper-status groups (this is documented in my book, *Politics and the Migrant Poor in Mexico City*, Stanford University Press, 1975).

In sum, it is my professional judgment that there is no objective criterion typically employed by INS investigators to select subjects for interrogation in the context of factory raids (or other investigative activities in urban areas) which would enable such investigators to distinguish between illegal aliens and legally-resident workers of Hispanic origin with greater than 50 percent accuracy. Such a "successful identification" rate is not statistically different from purely random occurrence (chance), and thus the utilization of such criteria as a matter of routine INS investigatory practice is hardly defensible. So employed, these criteria subject legally resident aliens and U.S. citizens of Hispanic origin to an unacceptably high risk of discriminatory, improper interrogation.

I declare, under penalty of perjury, that the foregoing  
is true and correct.

Executed on 15 January 1980, at Washington, D.C.

/s/ Wayne A. Cornelius  
WAYNE A. CORNELIUS

## DECLARATION OF SHELDON MARAM

I, SHELDON MARAM, declare as follows:

I am an Associate Professor of History at California State University, Fullerton. I have been the director of Interdisciplinary Studies, California State University, Fullerton (1977 to 1979) and Director, Latin American Studies, California State University, Fullerton (1975 to 1977).

I received my academic training at the University of California, Los Angeles (B.A., M.A.) and at the University of California, Santa Barbara (Ph.D., 1972).

My principal doctoral fields were History of Latin America and History of the United States in the Twentieth Century. My secondary doctoral field was in sociology with emphasis on the comparative study of ethnic and immigrant groups, especially including Latin American and Eastern and Southern European immigrants.

Since 1969, I have conducted research on Latin-American labor and immigration resulting in a book, a co-authored monograph and twelve articles in professional papers. Recently, an article that I wrote, was awarded the American Historical Association/Conference on Latin American History 1977 James A. Robertson Memorial Prize for the best article to appear in the Hispanic American Historical Review.

During the past three years, my research has centered on undocumented immigration and my most significant publication in this area is the field study entitled "The Economic Impact of Undocumented Immigrants on Public Health Services in Orange County" (1978). Within the past two years, I have written four papers concerning undocumented immigrants. Those papers are: "The Economic Impact of Undocumented Immigrants," "The Labor Market Impact of Undocumented Workers: A Research Model," "Political Change and Mexican Migration," and "Undocumented Immigration and American Social Policy."

I have engaged in travel for the purposes of research in Mexico and Central America during Summer 1965, 1966, 1968, 1973 and December 1977, and Brazil, 1970-71, Summer 1975, and Columbia, Uruguay, Argentina, Summer 1975.

In the course of my travels and studies in Mexico, Central and South America, I have come into contact with persons from all social classes and from rural as well as urban areas. In the course of my work in the United States, I have become intimately acquainted with the Latino community in Southern California, including Chicanos as well as undocumented workers and including persons of all social backgrounds.

Since June, 1978, I have conducted research on the labor market impact of undocumented workers in Los Angeles County. This research includes a 67 question survey among 1,300 non-apprehended undocumented immigrants in Los Angeles, which was completed in January, 1979. It also includes a more recently completed survey of 825 Hispanic workers in the garment and restaurant industries in Los Angeles, a survey in which most of the respondents identified themselves as undocumented immigrants. This survey was conducted under contract with the State of California's Department of Industrial Relations. I have also presented testimony on undocumented immigration at the hearings of several local, state, and federal legislative committees, including the April, 1978 hearings of the U.S. House of Representatives Select Committee on Population; February, 1978 hearings of the U.S. House of Representatives, Subcommittee of the Committee on Appropriations; November, 1977 hearings of the California State Assembly Committee on Human Resources; January, 1979 hearings before the Los Angeles County Board of Supervisors; February, 1978 hearings before the Orange County Board of Supervisors. After my testimony before the Select Committee on Population and the Assembly Committee on Human Resources, I was asked by the chairs of each

of these committees to prepare an analysis of the testimony of the other witnesses. This analysis was published in the record of these hearings. At the invitation of the U.S. Select Commission on Immigration and Refugee Policy, I participated in a November, 1979 Washington D.C. research seminar on the labor market impact of undocumented immigrants.

I have reviewed the depositions of U.S. Immigration and Naturalization Service investigators Jack O. Weaver, Carlos Tellez, Jr., John Brechtel, Richard Rice, Patrick Joseph Walters, Gilbert Clarin, and Philip Smith, filed in the case of The International Ladies Garment Workers Union, AFL-CIO, et al., Plaintiffs, vs. Joseph Sureck, et al., Defendants, in the United States District Court, Central District of California. Based on my professional experience and records, it is my opinion that it is doubtful that a valid standard could be established for determining who might be suspected of being a Latin American undocumented alien, especially if it is based on physical appearance, language, and/or dress—the criteria most often mentioned by the representatives of the Immigration and Naturalization Service (INS) in their depositions. Indeed, physical appearance, language and/or dress are inadequate criteria for determining who is a Latin American in the first place.

A stereotype common in the United States of the Latin American is of the mestizo—the person of mixed European and Indian origins—whose native language is Spanish. Yet the Spanish-speaking mestizo constitutes less than half the population of Latin America. Tens of millions of Latin Americans are of African or mixed European and African origins. Millions of Latin Americans are descendants of immigrants who came to Latin America from Europe and Asia during the past 100 years. These include, among other nationalities, Italians, Spaniards, Portuguese, Poles, Germans, Eastern European

Jews, Lebanese, Syrians, Japanese and Chinese.<sup>1</sup> The 100 million Brazilians speak Portuguese and the Haitians French. Millions of Indians retain their Indian language as their primary, often only, language. Finally, it is not uncommon in Panama to find Panamians whose primary language is English and who are descendants of West Indians brought to Panama to build the Canal in the early twentieth century.<sup>2</sup>

Culturally there are great differences among Latin Americans even within a given country or region. Though it is a common view that most Latin Americans live in rural areas, the majority of the population, including the majority of the population of Mexico, live in urban areas.<sup>3</sup> In the major cities of Latin America the lifestyle and dress of the middle and upper classes is typically very comparable to the U.S. and Western Europe, whose styles they tend to emulate. And it is quite common to see workers in Latin America wearing clothing and having hair styles comparable to those of their counterparts in the United States. This commonality in clothing patterns should not be surprising. Latin American clothing and shoe manufacturers generally emulate

<sup>1</sup> Sheldon L. Maram, "The Immigrant and the Brazilian Labor Movement," in Dauril Alden and Warren Dean eds., *Essays Concerning the Social History of Brazil and Portuguese India* (Gainesville: University of Florida Press, 1977); Robert Foerster, *The Italian Emigration of Our Times* (Cambridge: Harvard University Press, 1919); Jose Thiago Cintra, *La Migracion Japonesa en Brasil* (1908-1958) (Mexico: Colegio de Mexico, 1971); Teiji Suzuki, *The Japanese Immigrant in Brazil* (Tokyo: University of Tokyo Press, 1969); *Worldmark Encyclopedia of the Nations* (New York: Worldmark Press, 1976), pp. 2, 30, 40, 74, 88, 101, 110, 117, 126, 137, 151, 165, 173, 190, 205, 213, 222, 232, 300; Jackob Beller, *Jews in Latin America* (New York: Jonathan David Publishers, 1969).

<sup>2</sup> *Worldmark*, pp. 2, 30, 40, 74, 88, 101, 118, 126, 137, 151, 166, 173, 190, 205, 213, 222, 232, 300.

<sup>3</sup> *Statistical Abstract of Latin America* (Vol. 9; Los Angeles: UCLA Latin American Center Publication, 1978), p. 85.

styles and patterns current in the U.S. and Western Europe. And a significant percentage of the clothing sold in the U.S. and a major percentage of the shoes are manufactured in Latin America.<sup>4</sup>

Given the inadequacy of appearance, language, and/or dress as criteria for a Latin American, one wonders how they could be used as a reasonable standard for determining who might be suspected of being a Latin American undocumented alien. The depositions suggest variance in the criteria used by the agents of the INS. But generally the agents indicated that they look for individuals who appeared "Latin," dressed and wore their hair differently than Americans, and spoke a foreign language. Implicit in such criteria is the assumption that Latin American aliens are much less heterogeneous in characteristics than Latin American workers in general.

But even if one suspected critical judgment for a moment and accepted the criteria suggested by the INS as valid for recent arrivals, one would have to make a great leap in logic to accept that these criteria would hold true for those who have been in U.S. society for some time. Clothes, after all, do wear out. One assumes that the representatives of the INS are not suggesting that these workers send to their home countries when the clothes they brought with them are discarded.

The statements in the depositions also leave the suggestion that undocumented aliens over time do not adapt or acculturate to the society in which they are living or working. It seems that it can be reasonably argued that in the case of Mexican undocumented aliens that they are more likely to adapt or acculturate to Mexican-American culture than to Anglo-American culture. That is the impression gathered from my research, including, among other elements, interviews with individuals in direct and daily contact with the documented and undocumented Latino community. *If this impression is correct,*

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<sup>4</sup> U.S., Department of Commerce, *Highlights of U.S. Export and Import Trade*, FT 990, December, 1978 (1979).

then how could one distinguish between a Mexican undocumented alien of long term residence and a Mexican-American? One certainly could not accurately suggest that the alien would speak Spanish while the Mexican-American would not. Nor would it be correct to assume that Mexican-Americans would necessarily be more fluent in English than he/she would be in Spanish. It is not uncommon for Mexican-American children to speak Spanish before speaking English and for the adults to be more fluent in Spanish than in English.<sup>5</sup> The reasons are various and not germane to this analysis. But it is worthy of note that some of the Spanish-speaking "Mexican-Americans" are descendants of individuals who migrated to the Southwest from Mexico in the eighteenth century, a century before the area became part of the United States. Nor would clothing be an acceptable guide—for several reasons. First, from research it is my impression that the range of dress patterns of the Mexican undocumented alien tends to reflect the range of dress patterns within the Chicano community.<sup>6</sup> Second, it is quite common for Chicanos of all social classes to wear at times clothing that is considered the traditional folk dress of Mexico. This dress is worn, part because of style and part as an expression of their ties with their cultural roots, as has been done by Americans of African origins to express their ties with Africa. Indeed, the traditional folk dress clothing and footwear of Mexico has become accepted casual wear among Californians of Anglo background.

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<sup>5</sup> See, e.g., *The Invisible Minority* (Washington, D.C.: Department of Rural Education, 1976), p. 8; Paul Turner, ed., *Bilingualism in the Southwest* (Tuscon: University of Arizona Press, 1973), p. 58; Henry Sioux Johnson and William Hernandez eds., *Educating the Mexican-American* (Valley Forge: Judson Press, 1970), p. 24.

<sup>6</sup> Chicano is defined for purpose of this analysis as a person of Mexican origin who is born in the United States.

Physical appearance, language, and/or dress are also inadequate criteria for determining even the Latin American undocumented alien who recently arrived in the U.S.—not only because of the reasons outlined above but also because such criteria could not distinguish between the Latin American who has recently legally migrated to the United States from the Latin Americans who recently entered this country without the permission of the U.S. government. Some of the INS representatives, however, indicated that they would begin their investigation if they suspected an individual simply of being an "alien." In addition to the criteria discussed earlier, some of the INS agents in their depositions mentioned extreme nervousness and failure to make eye contact with the INS agent as criteria for suspected alienage. Both are flawed criteria. It would not be surprising for Latin Americans and members of minority citizen community to be nervous when several law enforcement officials—in this case INS agents—enter the place they work and start questioning employees. Most Latin Americans have lived under authoritarian regimes where the police are viewed as extremely threatening, especially to members of poorer communities. And the tensions between the law enforcement community and the minority communities are quite pronounced and often depicted in the media. Moreover, I would suspect that many members of the majority community would feel uneasy, even extremely nervous, if they were working in a place being raided by the INS. Many people find even being stopped by a police officer about an alleged traffic violation an unsettling experience.

Using failure to look directly into the agent's eyes as a criteria reflects a profound ignorance of the cultural responses of individuals from traditional societies. Not looking directly at an individual who occupies a superior social position is often part of the cultural training of individuals from traditional rural backgrounds. One would have found this pattern, for example, among Italians and Greek immigrants in the U.S. during the same

time. And this pattern continued for a time for some of the immigrants and their offspring. The same is true in the Latino community, particularly among *some* members of the Chicano community whose parents migrated from rural Mexico.

In my professional opinion, physical appearance, mannerisms, dress and/or language are inadequate criteria for distinguishing between Mexicans or other Latin American immigrants and Chicanos.

The testimony of INS representatives also suggest that one criterion for suspecting a person of being an alien or an undocumented alien is if that individual appears to be of Latin American origin. Such a criterion suggests that millions of Mexican-Americans and other Latinos born in the U.S. somehow appear "foreign" in the land of their birth. This is, in part, a reflection of individuals of Latin American origins being perceived as darker skinned individuals, for such a perception has historically carried with it the implication that such individuals are foreigners or outsiders. It is worth recalling that Southern Europeans were often perceived in the U.S. in the early twentieth century as dark-skinned or swarthy complexed individuals. Yet today Americans of Italian or Greek origin, for example, are considered white.<sup>7</sup> What has changed is the dominant society.

The Latino criterion also carries the implication that undocumented aliens are largely Latin Americans. Though researchers generally suspect that the majority of undocumented aliens are from Latin America, all agree that we lack reliable data on the proportion of undocumented aliens from the various regions of the world or even reliable data on the total number of undocumented aliens in the U.S. The so-called estimates of the undocumented population have ranged from 4 million to 12 million, which indicates that there is a 500 per cent range of

<sup>7</sup> See, e.g., John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New Brunswick: Rutgers University Press, 1955), p. 66.

disagreement among the "experts."<sup>8</sup> The INS apprehension statistics certainly cannot be used reliably as an indicator of the proportion of undocumented aliens in the U.S. from various countries.<sup>9</sup> I was reminded of that during a conversation in September, 1978 with Dr. Guilhermina Jasso, then head of research for the INS and now co-research director of the U.S. Select Commission on Immigration and Refugee Policy. As Dr. Jasso indicated, the apprehension figures cannot be used as a reliable indicator of the proportion of undocumented aliens from various countries. Nor can it be used, she indicated, even as an indicator of the relative concentration of undocumented aliens in various regions of the U.S. INS apprehension figures reflect, she stated, INS apprehension practices.

To accept the present criteria as valid because it is based on the impressions of INS agents is akin to accepting the statement of the Police Commissioner of New York who in 1908 charged, based on his impressions, that half the criminals in New York City were Jews.<sup>10</sup> Or it is akin to accepting as reasonable the viewpoint of those who suspect an individual being charged with being a member of the Mafia is a Mafioso if the suspect is Italian. Such viewpoints fit the classical, definition of prejudice:

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<sup>8</sup> Kenneth Roberts, et al., "The Mexican Migration Numbers Game: An Analysis of Current Estimates of Undocumented Migration from Mexico to the United States and Suggestions for Alternative Estimates," (Austin: University of Texas, Bureau of Business Research Report, 1977); Wayne Cornelius, *Mexican Migration to the United States: Causes, Consequences, and U.S. Responses* (Cambridge: MIT, 1978), pp. 10-13.

<sup>9</sup> Roberts, *Migration Numbers Game*; Cornelius, *Undocumented Migration from Mexico*, p. 12.

<sup>10</sup> Arthur A. Goren, *New York Jews and the Quest for Community* (New York: Columbia University Press, 1970), p. 25.

"Prejudice . . . is a term applied to categorical generalizations based on inadequate data and without sufficient regard for individual differences . . ." <sup>11</sup>

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18 day of January, 1980 in the County of Orange, State of California.

/s/ Sheldon Maram  
SHELDON MARAM

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<sup>11</sup> Quoted in George Simpson, J. Milton Yinger, *Racial and Cultural Minorities* (Harper and Row: New York, 1972), p. 26.

## DECLARATION OF JOE RAZO

I, JOE RAZO, declare as follows:

1. I am employed by the State of California, Division of Labor Standards, Office of Enforcement. My position is that of Director of the Concentrated Enforcement Program, a post I have held for approximately two years.

2. Prior to my appointment to my present position, I served for 1½ years as chief consultant to the Joint Legislative Oversight Committee of the Agricultural Labor Relations Board, a joint committee of the California Legislature. Before that, I was an investigator for the Hon. Leo McCarthy with regards to labor issues.

3. Through my activities with the Division of Labor Standards and prior to that with the State Legislature, I have had the opportunity to speak with and interview literally thousands of Spanish speaking workers and their families.

4. The Concentrated Enforcement Program which I direct was authorized in January, 1978 and began operations in April, 1978. The objectives of the program are to (a) eliminate exploitation of workers in marginal industries (a marginal industry is defined as one with a history of exploitation) and (b) to eliminate unfair competition resulting from the exploitation of workers by certain employers in these industries.

5. The industries we concentrate on are those which have histories of exploiting workers through violations of State Statutes governing minimum wages, safety conditions, and other provisions of the State Labor Code. Those include, among others, the garment industry, the furniture manufacturing industry, car washes and restaurants.

6. The workers we encounter in these marginal areas have historically been Spanish speaking, that is workers of Latin origin.

7. In the Concentrated Enforcement Program, I have a staff of 61, including 32 investigators. The staff is currently all located in Los Angeles.

8. Our program involves going into the field and directly inspecting places of employment in marginal industries. We may investigate a particular location as a result of a complaint by a worker or competing employer or simply as a result of random selections.

9. When we arrive at a location, we request permission to enter, which is given in excess of 90% of the cases, and we inspect time cards, payroll records, and speak to the employer and perhaps some employees. From the records of the employer, we obtain home numbers and attempt to conduct home interviews with at least 10% of the work force of a given location. These interviews are conducted to determine if the employer is complying with the provisions of the State Labor Code.

10. Based on my experience and the experiences relayed to me by my investigators, I can state that there is no way to determine by looking at a worker in those industries if they are citizens or aliens. They are indistinguishable in dress and manner from native-born workers in the same industries. We can reasonably conclude that workers who flee when we arrive are probably undocumented, however, very few do this and most simply remain at their work stations.

11. We often learn during the course of home interviews, that workers are undocumented aliens, it often happens that we will gain the confidence of the worker and he or she will admit to us that they are undocumented. However, in the absence of such an admission, I have never been able to conclude with reasonable accuracy that any given individual, based on his or her appearance, is or is not an alien.

12. The fact that a worker speaks only Spanish is of little help in making this determination since my experience is that many workers in those industries speak Spanish regardless of their citizenship. In fact, I am

acquainted with 2nd and 3rd generation residents of this area who speak only Spanish.

I declare, under penalty of perjury, that the foregoing true and correct.

Executed on November 28, 1979, at Los Angeles, California.

/s/ Joe Razo  
JOE RAZO

## DECLARATION OF EDWARD TCHAKALIAN

I, EDWARD TCHAKALIAN, declare as follows:

1. I am employed by the State of California, Division of Labor Standards, as a Senior Deputy Labor Commissioner. I have been with the Division over seventeen years mostly in an investigative capacity.

2. My current assignment is the Concentrated Enforcement Program on which I am the Senior Deputy Commissioner. I am the head of the garment industry task force of the Concentrated Enforcement Program.

3. The Concentrated Enforcement Program was implemented in an attempt to eliminate exploitation of workers and unfair competition resulting therefrom in industries, such as the garment industry and others, which have had a history of exploitation of workers and violations of the State Labor Code.

4. My experience has been that the workers in those industries who have been the victims of exploitation are largely Hispanics.

5. The garment industry task force which I head has eight investigators and since the start of the program in April, 1978, we have visited over 1,800 garment factories and have interviewed many thousands of workers. Those interviews occur both at the workers' homes and at the factory.

6. I can state based on my experience, that there is no clear way to tell if a worker is an alien, whether documented or not, simply by observing him or her at the work place. We assume that a large number of the workers we come in contact with are undocumented aliens because of the exploitation that they suffer. We can also tell that some workers are undocumented aliens since they flee when we enter the factory. We, in fact, learn that other workers are undocumented aliens because during interviews some workers will confide in us regarding their immigration status. However, in the absence of those factors, it is not possible to reasonably

conclude from simple observation of clothing, appearance, or any other factor that any given individual is or is not an alien.

7. I have not observed in the course of my experience that workers who turn out to be undocumented aliens dress any differently or wear their hair any differently than citizens employed in the same industries. It is not possible to reasonably conclude from these types of factors that any individual is or is not an alien.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on Nov. 28, 1979, at Los Angeles, California.

/s/ Edward Tchakalian  
EDWARD TCHAKLIAN

## DECLARATION OF GEORGIA WREN

I, GEORGIA WREN, declare:

That I have been employed for twelve years at Southern California Davis Pleating Company.

I was working on the premises of the Company at the time that agents of the Immigration and Naturalization Service raided the plant on both January 4, 1977 and or about September 27, 1977.

My classification is that of a machine operator.

The first raid occurred on the morning of January 4, 1977. I was working my machine in the back of the building when I saw a few operators running from the front to the back and out the back door. Moments later, agents of the Immigration and Naturalization Service appeared all over the plant. Those agents went from operator to operator asking them if they were citizens of the United States and when an employee said no, they asked for green cards. The people who could not produce green cards were asked to go to the front of the building.

At this first raid I also heard the agents ask a number of the employees as they were proceeding down the rows of machines, what grade school they attended, what city that grade school was in, and what street the grade school was on.

The employees that were approached by the agents of the Immigration and Naturalization Service were not doing anything unusual or suspicious but were simply sitting at their work stations. They were generally of Latin extraction, however, and in fact, the great majority of the employees in our plant are Latins.

The second raid which occurred on or about September 27, 1977 took place between eight and eight thirty in the morning. I was sitting at my machine at the time when I saw the agents burst through the side door in the shipping department, walk right by one of the owners of the Company, Mr. Davis, without stopping and im-

mediately they began interrogating the employees who were working at their machines, proceeding in sequence up and down the rows.

I saw about thirty agents come in along with two or three officers of the Los Angeles Police Department.

During the first raid on January 4, 1977 I saw about fifty people who could not produce green cards being taken away. The men were handcuffed and were treated roughly, particularly, in the way in which handcuffs were put on them, by the agents of the Immigration and Naturalization Service.

During the second raid, there was also a large group of people that were taken away by agents of the Immigration and Naturalization Service.

Other than the few employees who ran to the back of the plant, as I have described above, all of the other employees were simply minding their business and were doing nothing suspicious or unusual when they were interrogated by the agents of the Immigration and Naturalization Service.

I am Chairperson of the shop, in other words I am the chief Union representative employed at Southern California Davis Pleating Company. There is a collective bargaining agreement between that Company and the International Ladies' Garment Workers Union.

As Chairperson, I know that the employees are generally frightened about future raids and they fear that no matter what they may tell agents of the Immigration and Naturalization Service, they may be taken away. They are very much opposed to the indiscriminate questioning that occurred at Southern California Davis Pleating Company in the two raids that I have described in this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23 day of February, 1978 at Los Angeles, California.

/s/ Georgia Wren  
GEORGIA WREN

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIANo. CV 78-0740-LEW (PX)  
CV 78-3246-LEW (PX)

ILGWU, etc., et al., PLAINTIFFS

vs.

JOSEPH SURECK, et al., DEFENDANTS

## DEPOSITION OF HERMAN DELGADO

Taken on behalf of the defendants, at 312 North Spring Street, 11th Floor, Los Angeles, California, on Tuesday, February 20, 1979, commencing at 10:00 a.m. before Sylvia Wonderling, CSR No. 794, a Notary Public of the State of California, pursuant to Notice.

\* \* \* \*

[5] Q What is your place of birth?

A Mayaguez, Puerto Rico.

Q Would you please spell the city?

A M-a-y-a-g-u-e-z.

Q What is your date of birth?

A October 11, 1942.

Q Mr. Delgado, are you married?

A No, I'm not.

Q When did you first enter the Continental United States?

A First in 1946 and left in 1948. Came back in 1953.

Q Have you been in the Continental United States continuously since 1953?

A Yes.

Q Where did you enter the Continental United States in 1953?

A New York City.

Q Mr. Delgado, did you have to present any documents in New York City upon your arrival there?

A No.

Q When did you move to Southern California?

A In 1966.

Q Have you been in Southern California continuously since then?

[6] A Yes.

Q What is the highest school grade that you have completed?

A The tenth grade. I got a GED in the service.

Q Pardon me?

A I got the equivalency of a high school diploma in the service.

Q The military service?

A Yes.

Q Where did you complete the tenth grade?

A In New York City.

Q When did you serve in the military?

A In—from October 1960 to October 1966.

Q What year did you complete the tenth grade?

A In 1960, quit high school.

Q Would you list the various places that you were stationed during your term in the military?

A Boot training, Great Lakes, Illinois; stationed in Key West, Florida; went to school in Maryland, yeoman school. I got transferred to Indianhead, Maryland. From there I got transferred to USS FORRESTAL, stationed in Norfolk, Virginia. Got discharged in Norfolk, Virginia.

Q The branch of military that you served in was the Navy?

A Yes.

\* \* \* \*

37 Q What have you heard your fellow employees say?

A Well, the only time I experienced where they were fearful of the immigration was when you people came in. As far as before then, no.

Q What expressions of fear did you hear from other employees?

A When you first—when they first came in there?

Q At any time. When have you heard?

A The only time I seen them being fearful is when the word immigration is brought up, when—and I still wouldn't know if they're legally or illegally, because it's not for me to ask them.

Q Well, referring to a survey that took place on January 4 of 1977, were you in the factory at Davis Pleating on that date?

A Yes, I was.

Q Do you recall a survey occurring on that date?

A Yes.

Q What time did that survey begin?

A In the morning. I don't recall the time, but it was early in the morning.

Q What was the first thing that made you [38] aware of the survey?

A I saw people running toward our department, toward the back of my department. What the hell is going on. Then I saw people with badges and people yelling immigration.

Q They were yelling?

A People with immigration.

Q Were they yelling this in Spanish?

A Yes.

Q Where were you stationed at that time when you—

A No. 1 cutting machine.

Q Where did you see this activity taking place?

A They were coming from the front.

Q From the front of the building?

A Yes.

Q So you looked up from your—

A Machine.

Q —your cutting machine?

A First thing I saw was people running, and I heard a couple of people say the immigration in Spanish. So

I started looking up toward the front. And then I seen people with badges being stationed by the doors. They wouldn't let nobody go out.

Q Where did you see people running from?

[39] A From the front of the building.

Q From the front of the building?

A Toward the back.

Q Which of the fire doors were you looking out when you saw this taking place?

A The one facing front.

Q Was that to your right?

A No, that's the one that's straight ahead of me from both sections. There's one toward that corner and on in this corner.

Q Were you standing at your cutting machine at that time?

A Yes, I was.

Q How many people did you observe running?

A I saw about 10, 20 people.

Q Were any of these people people who you knew?

A No. They were from other departments.

Q Where did they run to?

A Toward the back of the building.

Q And did they run as a group?

A No. Running, you know, trying to find a place to hide, I guess.

Q Did you see any of these persons try to go out any door?

[40] A Yes.

Q The answer is what?

A Yes.

Q What happened when these people tried to get out the door?

A Well, every door was covered.

Q How many of these people did you see try to get out a door?

A I saw five trying to get out the back emergency exit but they were stopped.

Q Is this the emergency exit that is in your department?

A Yes.

Q Were any of these employees from your department?

A No. They were from the front. I don't know. I couldn't tell you which department they were from. I don't know.

Q So these were people—

A Who were up front where they see the immigration come in. They were the first ones to see the immigration and they were the first ones to start running, I guess.

\* \* \* \*

[45] Q Were any of the five officers who you observed coming through your loading dock displaying their badges?

A Yes, they had them.

Q They had their badge hanging off of a pocket?

A Yeah.

Q All five of them?

A I couldn't say all five, but I saw the badge was sticking out.

Q How many did you see that on?

A When I first looked I saw them, they were [46] just wearing—I just noticed the suit. Then I saw the badge. I saw all of them, because all of them were displaying them, even the lady cop, I mean the lady officer.

Q Did any of them have a gun?

A I didn't see no gun. They had walkie-talkies.

Q Did they all have walkie-talkies?

A I saw some walkie-talkies. I couldn't say all had walkie-talkies. I saw some walkie-talkies.

Q What did the five officers do that appeared at your loading dock? What did they do next?

A They just got stationed by the door. Then other immigration people came asking questions. But those were just mainly stationed by the doors.

Q Well, were all five of them standing at the loading area?

A No. They came in and they stationed two at the fire exit, two at the loading dock door. The other one went to the other back door.

Q What were the employees in your department doing at that time?

A They continued working.

Q All of the employees continued working?

A (Witness nods head up and down.)

\* \* \* \*

[50] Q Did the six INS investigators who came into the Bias Department all appear at the same time?

A No, they didn't all appear at the same time. They took time to get back to my—I guess they must have been asking questions up front, but I don't know. But I know when they started coming toward my department, they started asking the workers questions. I couldn't hear what they were asking. I was too far to hear.

Q What were you doing when the first investigator came into your department?

A I was cutting.

Q You were?

A Cutting.

Q Cutting. You said about ten minutes passed from the time you first became aware of the survey until investigators first came into your department. Is that when the first one of those six investigators came in?

A Besides the other ones that were stationed at the doors?

Q That is right.

A I believe so.

Q What was the total time, would you estimate, from the time you were first aware of the survey until these officers left?

A I'd say around an hour, hour and a half. [51] I'm not sure.

Q Now, that first investigator who came in about ten minutes after the survey started, came into your department, what was he doing?

A He was showing the badge to people, and I guess he was asking them if they have papers or not.

Q Did you see him approach anyone in your department?

A Yes.

Q Who did you see him approach?

A Well, he approached—he approached Guillerama and Justa, Margo and let's see. Justa, Margo. I don't know. The people that they, you know, they got picked up, they ain't working anymore. I can't remember their names. But I know they asked mostly the Latin. That's all I have working mostly is Latins. All the Latins for the papers I guess, or whatever they were asking.

Q Well, how many employees in your department did you actually observe being approached by an immigration officer?

A They asked everybody. They asked Elvita, they asked Linda, they asked—what's her name, Anna. They asked—let me see. They asked—well, they asked Armando, but he was up front. I didn't see him.

(Conference between the witness [52] and his counsel.)

THE WITNESS: I'm trying to think who I had working at that time.

MR. GOTLEIB: Q Well, can you give us a number of how many of the employees in your department did

you see being approached and questioned by immigration officers?

A Well, they—they mostly asked everybody except—except John Majors. They didn't ask him. And they didn't ask Iga and they didn't ask me.

Q You saw someone from immigration ask questions of everyone else but the last three people?

A Yeah, John Majors, he's black. They didn't ask him. Iga is Oriental. They didn't ask her. And they didn't ask me. I don't know why. They didn't. And they didn't ask my supervisor.

Q Did you say they did question your supervisor?

A No, they didn't. All they asked of him was to open the cabinet and the back door. There's a little storage room out there. But he didn't have the key. He had to go get it from the superintendent.

Q And what was your supervisor's name?

A Danny—oh, I forgot his name. Danny—Danny—Danny—Danny—Danny—Danny Marujo, M-a-r-u-j-o.

[53] Q And is he of Latin origin?

A Latin. He looks, yeah, Latin, but they didn't ask him. Spoke too good English.

Q The five or so persons who hid in your department, did you see what happened to any of those people?

A Well, the—I find out that Trevino was hiding in the elevator, Trevino, Raoul—not Raoul—Raphael and Trevino were hiding in the elevators. They caught those. They had to get—I don't know how they did it, but they stopped the elevator in between floors and took them to get them down.

Q Did you observe this happening?

A Yes.

Q From your work station?

A Uh-huh. I stopped working then after all this commotion. I started walking around, see what the hell was going on.

Q Did you leave your department?

A Yes, I went up front.

Q So you are saying that of all the employees in your department there were only four of you who were not asked questions by the immigration service?

A Yes.

Q In other words, you saw everyone else in your department being questioned by an immigration officer?

[54] A (Witness nods head up and down.)

Q Were there any other employees in your department, other than the one black person and the one Oriental person you have named, anyone else in your department who was not of Latin background?

A No. All of them were Latin.

Q Everyone else in your department was—

A Latin.

Q —Latin? Why was it that you were not approached by an immigration officer?

A I don't know.

Q Your answer is you don't know?

A No.

Q Did you hear any conversations between any immigration officers and any employees?

A Of mine? I heard the two in the back, I heard they were asking—they—when they asked Linda, I heard them ask her what—show her papers, and she did. First he showed her the badge and identifying himself as being an agent.

Q Could you speak up?

A First he identified himself to her. He showed her the badge that he was an agent. Then he asked if she was an alien and where was she born. And then he asked her to produce her papers, and at that time she did.

[55] Q What were her answers to his questions?

A She said yes, she was a Mexican, and they asked her did she have any papers. She said yes. She showed them to him.

Q Then what happened?

A He looked at them and he kept on walking, asking other people.

Q He gave her back her papers?

A Yes.

Q And then left her?

A Yes.

Q Did you overhear any other conversations?

A No.

Q Did you see any agents from INS draw a gun on anyone?

A No.

• • • • •

[57] Q What did you observe?

A They didn't bother to hide. They were working at the station. Immigration came up to ask them for papers. They couldn't produce any, so they took them into custody.

Q What was the first thing they said to each of those people?

A I couldn't hear. I said that's when I was at my cutting machine, and that's about the joining machines, about 35 feet in that direction, so I didn't hear.

Q So you couldn't hear the conversation?

A No. I just saw them take them into custody and it shocked me. I thought they had papers. It shocked me.

Q Did they put handcuffs on any of the people in your department who were being taken away?

A Yes.

Q On each of those people you have named?

A Uh-huh. They put handcuffs on everybody that they took out of there.

Q Now, other than the two people who were in the elevator shaft, each of the other people in your department who was taken into custody stayed at their [58] machines working?

A No. They took them from the machines, put them to the side, handcuffed them and wait until they had enough group of people to load into the buses.

Q Did they take into custody, other than the people who hid in the elevator shaft, did they—

A I just said yes.

Q Did they take other people who were hiding from your department?

A Oh, yes—oh, no. They couldn't find—I don't know where he hid himself, because they couldn't find him. And they searched thoroughly. Believe me they did.

Q Well, these two employees in your department who were working at their machines before they were taken away, were they doing anything unusual?

A No.

Q Were they working at their normal pace?

A They were—they was scared. They were working, but they were scared. The whole factory was put to a stop, standing still.

Q How could you tell those two employees were scared?

A When they—by the looks on the faces. They were nervous when they were going into their bags, shaking. That's got to be scared.

[59] Q While they were working at their machines?

A No, when the immigration came up to ask them for their papers, I guess is when they started fumbling into their bags. That's the sign.

Q What were they doing just before the immigration officers came up to them?

A They were trying, I guess, just trying to avoid them, keep on, you know, trying to make believe they were still working. They were still trying to do their normal work. But they were too scared, I guess, because they got taken out of there, because they didn't have no papers.

Q Well, did you see them? Did you observe them before the immigration officers came up to them?

A No, because I was trying to look other places. But I saw them when they were apprehended. I looked up and they were being taken to the side.

Q You weren't observing them just before the immigration officers came up to them?

A No. I was looking other places, trying to see what the hell was going on, trying to see if they were asking everybody. They bypassed certain people.

Q Were you approached in any way by an immigration officer?

A No. They asked me one question, did I have [60] a key to the back door.

I said, "No, I don't have a key."

That's when I called Danny over and told him to call the super. He keeps the keys to the back door. So he called. He paged the guy to come and unlock the door. And he came and unlocked it.

But the only things he keeps back there is cleaning stuff.

Q You indicated that you left your work area after some time?

A Uh-huh.

Q How long after the survey had started did you leave your work area?

A About 20 minutes, 25 minutes later.

Q Where did you go?

A I went up front to see.

Q Where up front did you go?

A To the front of the building.

Q Did you go into the office?

A Oh, no, just went to the front to see what the hell—

Q Did you go anywhere else in the factory?

A Uh-uh. I came back to my—to my department.

Q After how long?

[61] A About ten minutes I spent.

Q Then what did you do after you came back to your work area?

A I went and started my cutting machine.

\* \* \* \* \*

[67] Q You were not at your machine though?

A No. At that time I was the complete supervisor.

Q You had been promoted to supervisor then?

A Yes.

Q Did you have a desk that you were working at?

A Yes.

Q Where in the department is that desk located?

A It's sort of like in the middle of the department.

Q In the middle of the department?

A Yes.

Q Would you describe what is within 20 feet of you at that desk all the way around?

A There's a desk to my left. I would say a table, a cabinet behind me and a long table, cutting machines and all the stuff.

Q Which direction are you facing in?

A Me? I was facing toward that big fire door.

\* \* \* \* \*

[70] Q Now, you have said that at the second survey you first became aware that a survey was taking place by the fact again people were fleeing?

A Uh-huh.

Q How many people did you yourself observe fleeing?

A Maybe 12 people. The first, you know, then more later.

\* \* \* \* \*

[71] Q What was the very next thing you observed?

A I figured that the immigration was back again and then just continued working like I had some work orders to write up, so I just continued writing.

\* \* \* \* \*

[75] Q After you observed these seven officers, what was the next thing you observed?

A Well, I went up front because I heard the police were there. I said what the hell the police got to do with this, and I went to make sure that that was correct, and it was correct. LAPD up there.

Q How did you hear that LAPD was there?

A From the people, one of my workers was coming from up front, floor help, delivering something. And he was just coming back and he said LAPD were up there.

Q You walked up to the front at that point?

A To see the police.

Q And what did you observe then?

A Police officers.

Q How many?

A In uniforms, around five.

Q What were they doing?

A They were stationed up front.

Q Where in the front?

A In the front by the loading dock.

[76] Q Then after you observed those five officers, police officers, what did you do?

A I walked around the factory and I noticed more immigration people. Some with walkie-talkies and stuff, stationing, some stationed someplace, go to a certain station, so and so.

Q Well, when you first observed that group of about a dozen people fleeing from the front to the back, did you observe any immigration officers at your loading area or at the emergency exit?

A (Witness nods head up and down.)

Q How many? The answer was yes. How many?

A I couldn't—I couldn't say. I just—they were there. I didn't count them this time. I just noticed that they were being stationed in the same place as before, so I could say the same number and I could be correct, I could be wrong. It might be more or less.

Q So you don't recall how many officers, immigration officers?

A No, I didn't bother to count the people because it was none of my business.

Q Did you turn around to look at the loading dock?

A Yes.

Q And at the emergency exit?

[77] A Yes.

MR. FENTON: The answer is yes for the record, is that correct?

THE WITNESS: Yes.

MR. FENTON: Try to say yes. It is easier for the record than a nod. Although Mr. Gotleib seems to understand and I understand, the record isn't going to look very good.

MR. GOTLEIB: Q How much time passed from the time you first saw this group of about a dozen fleeing to the time that you saw the immigration officers at the loading area in your work area?

A Three or four minutes.

Q After you had been in the front, you said you began wandering around the factory. Did you just freely walk up and down the aisles?

A (Witness nods head up and down.)

Q Would you state your answer, please?

A Yes.

Q How long did you do that?

A For about ten minutes or so.

Q Did you observe other persons fleeing or hiding?

A I saw them running, but I didn't know whether they went to hide or not.

Q Did you have any encounter with any [78] immigration officer during that ten minutes?

A No. Only when I went back to my department.

Q After that ten minutes then what was the very next thing you did?

A I went back to my department.

Q Where did you go?

A I went to my desk and started talking to my assistant supervisor.

Q What is that person's name?

A Michael Gonzales.

Q What was your conversation about?

A The immigration, you know, what they were doing.

Q Do you recall your conversation?

A Not—not in generally, no.

Q Generally what was said?

A We was just talking about—about, you know, why another raid.

Q Was that conversation in English?

A Yes.

Q When you finished your conversation, what was the next thing that happened to you?

A An immigration officer came up and asked me and my cousin where we was from.

Q And that is Mr. Gonzales?

[79] A (Witness nods head up and down.)

Q What was your answer?

A I said Puerto Rico. He asked me what city. I said Mayaguez. And he made that comment about that ship that got taken by the Vietnamese or whoever it was, the Chinese.

Q Then what happened?

A He walked away. Then I heard him say, he said, "When we come back we're going to have to check them closer. They speak too well of an English."

Q Who did he say that to?

A To his partner.

Q How far were they from you at that time?

A From here to there, six feet.

Q Did Mr. Gonzales respond to these questions also?

A Oh, yes.

Q What was he asked specifically?

A The same thing I was asked, where was he from.

Q What was his answer?

A Puerto Rico.

Q Was he asked any other questions?

A No.

Q Do you know why they just asked him that [80] one question?

A No.

Q Did he then leave after he was asked that one question?

A Yes.

Q Where did he go?

A He went toward the back to use the bathroom, I guess.

Q Can you describe the immigration officer who approached you and talked to you?

A No, I can't.

Q Can you describe the other one who—

A The other one was a Mexican, Mexican about five feet something, five feet six, five feet seven, chubby. The other one was taller.

Q The one who spoke to you was tall?

A Yes.

Q Can you describe what either of those two officers were wearing?

A One was wearing dark trousers with a wind-breaker. The other one was in a suit.

Q Which one was in a suit?

A The tall one.

Q Were they both displaying their badges to you?

[81] A Yes.

Q Did either of them have a gun?

A I didn't see the gun.

Q Do you recall the very first thing that that immigration officer said to you?

A He identified himself as so-and-so, showed me the badge, and then asked me where I was from.

Q After that tall immigration officer walked away from you, what did you do?

A Continued work.

Q Were you sitting at your desk?

A No, I was standing.

Q You were standing when you had the conversation with the immigration officer?

A Yes.

Q You continued to stand afterwards?

A Yes.

Q Do you recall how much longer the immigration officers were at the factory?

A Well, this time it seemed like they did it quicker than the first time. I couldn't say how long, because I don't know when they came in, you know, up front. I just only stayed for a while. I saw when they came back to the back of the building. When they were up there, maybe they were up there a half hour, maybe an hour, before they got [82] permission to come into the building. I don't know.

Q Did you observe this time people from your department being taken into custody?

A From my—the second raid? Let me see. No. They all got clean. None of them were taken.

Q You didn't observe anyone from your department being taken into custody?

A No.

Q So when the immigration people left everyone who had been in your department before immigration came that morning was there?

A Yes. The ones that were hid, they couldn't find them. They didn't look in the cupboard. See, I got a trash can back there, and that was hiding them. They didn't see that. If they would have seen that, they probably would have taken them.

Q Other than the employees in your department who hid in that cubbyhole, did the remainder of the employees continue working?

A Yes.

Q Now, you have identified in your department that there were two blacks, one Oriental—

A One black—

MR. FENTON: One Oriental and two Caucasians.

MR. GOTLEIB: Q And two Anglos during the time [83] of the second survey. Were any of those four persons approached by an immigration officer?

A No, not that I noticed, no. I didn't see them approached. I don't think so.

Q You didn't have your eye on any of those four people throughout the whole survey?

A This time I didn't bother to, because I got kind of angry. I just did my scene at that time, just continued writing my work orders and—they asked as the same people before. They asked for the papers and they had them. They showed them. After they showed them the papers, they went on asking the other people.

Q Did you talk to any of those four people we have referred to?

A After?

Q After the survey?

A No, I didn't.

Q Did you see anyone from the factory being handcuffed and taken away?

A Yes.

Q Can you put a figure on about how many people you saw being taken away?

A Around 30.

Q 30 people you personally observed being taken away?

[84] A Yes.

Q Were all the employees in your department who are of Latin background asked questions by the immigration officers?

A Well, this time I didn't bother to see who they were asking questions. I wanted to avoid them. When I heard that question that they were going to check me out later, I just got angry, you know. What the hell is he talking about, check me out. So I just didn't bother paying any attention. That's when I called Mr. Jim Davis and told him the remark they made to me.

Q When did you tell Mr. Davis that?

A Right after they left.

Q Right after the immigration officers left the factory?

A Yes.

Q And after the officer who questioned you left, you indicated that you continued working. Did you do anything else until the time they left? Did you do anything else?

A Oh, I went up front to get Loren Davis, because I needed my dock key, because I had a truck to load and they were interfering with that. They had a van blocking the loading dock. So I got Mr. Davis, Davis' son, come over there and tell those people to move their van so I can [85] get my truck in there and load the dresses. That's when I saw the buses and people.

Q What did you see?

A Buses loading people.

Q How many buses?

A I saw around two buses.

Q Where were they?

A They were on 11th Street.

Q And what door were you looking through to see that?

A The loading dock door.

Q The front loading dock?

A No, the one in back, mine.

Q By your department?

A Yes.

Q After your conversation with Loren Davis, what did you do?

A I started loading the truck, giving orders to load the truck, because they moved the van and my truck came in. We started loading the truck.

Q Did you have any other contact with anyone else from the immigration service at that point?

A No.

Q Since that second survey at Davis have you had any contact with anyone from the immigration service?

[86] A No. I heard a remark when I was telling the guy to move the can that they know that they didn't get all the people this time, so they're going to definitely come back.

Q Who said that?

A One of the immigration officers to another immigration officer, the ones that were stationed outside the building.

Q Did he say that in a normal conversational tone?

A Yes.

Q Was this officer either one of the two who—

A No, no, no. This is—

Q —who you earlier had contact with?

A No, this is another officer.

Q Did you say anything about this survey to any of the management at Davis?

A I mentioned it to Ramona Correa.

Q What did you say to her?

A I mentioned the fact that they—what they said, that they know that they didn't get all the people, that they were going to come back.

\* \* \* \*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Nos. CV 78-0740-LEW (PX)  
CV 78-3246 LEW (PX)

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ILGWU, etc., et al., PLAINTIFFS

*vs.*

JOSEPH SURECK, et al., DEFENDANTS

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DEPOSITION OF RAMONA CORREA

Taken on behalf of defendant at 312 North Spring Street, 11th Floor, Los Angeles, California, commencing at 10:30 A.M., Wednesday, February 21, 1979, before Sylvia Wonderling, CSR 794, a Notary Public of the State of California, pursuant to notice.

\* \* \* \* \*

[5] Q Who is your employer?

A Lloyd Klein, Gene Davis.

Q Is that a firm for which you work?

A Yes, it is.

Q And what is the name of the firm?

A Southern California Davis Pleating Company.

Q What is your date of birth?

A 7-18-42.

Q And your place of birth?

A Huntington Park, Los Angeles, California.

Q How long have you been employed at Southern California Davis Pleating Company?

A 20 years.

Q What is your current position there?

A One of the managers there.

Q How many managers are there?

A I'd say there's about five, maybe six of us.

Q What position did you start at Davis as?

A As a stamper.

Q How long have you been a manager?

A For a little over a year, I'd say, about a year.

Q Do you recall the date that you were made a manager?

A No, I don't.

\* \* \* \* \*

[48] Q Where did you see that first officer? Where was the first officer?

A You could say on the side of Tenth Street.

Q Was the officer standing still?

A Yes.

Q What was he doing?

A Just standing there.

Q Where exactly in the factory was he standing?

A On the side of Tenth Street or main entrance side.

Q Was he standing by a wall?

A No. He's standing on the first row of the machines, right at the end of it.

Q Do you recall what he looked like?

A Oh, I guess he was close to six feet tall, fair, sandy-colored hair.

Q Did he have a badge?

A I remember seeing a badge, yes.

Q Where was the badge?

A In his lapel.

Q Did he have a gun?

A I didn't see one.

Q When you first saw the officer, he was just standing there?

A Uh-huh, yes.

[49] Q What was the very next thing you observed?

A I saw other officers down the rows starting to go to individuals on the shafts.

Q How many officers did you observe next?

A From what I could see where I was standing, there was three right there where I was, and I saw another three or four going through between the aisles.

Q How was each of them dressed?

A In suits.

Q Did you see a badge on each of them?

A I don't remember seeing one.

Q Do you recall whether any of them had a gun?

A I didn't see one.

Q How close were you to the nearest officer at that time?

A You're talking about feet? Maybe 15.

Q Did you overhear any conversation at that time that any of them were having?

A No.

Q At this point we are talking about approximately six officers, is that right?

A (Witness nods head up and down.)

Q Would you just describe in your own words what you saw them doing? After you saw the six or so officers, what did you see them doing next?

[50] A I saw them going row through row, asking. I don't know if they were asking them were they citizens, did they have green cards or where they were born. I didn't hear them, because they were further down. Okay. But I could see them. The ones that were coming down the sections where I was were asking them where they were born. Those I did see.

On the other side I saw them taking men away with handcuffs on. I saw two women, one of which was colored and one of which was white, that was laughing as they were taking these people away.

Q Who were those women?

A They were also Immigration officers, as far as I know. They were with the men.

Q Besides laughing, were they doing anything at the factory at that time?

A Well, they were taking people.

Q The six officers that you observed, were they walking down the aisles?

A Yes.

Q Were any of them running down the aisles?

A Not any I saw.

Q Did any of them put their hand on anyone that you observed at that time?

A Let's see. Now, you're talking about when I was looking at—when I first saw them?

[51] Q Yes.

A I don't think so.

Q What did you observe, if anything, among the employees at that time?

A What do you mean what did I?

Q Well, were any of the employees doing anything to attempt to hide from any Immigration officer?

A I didn't see any.

Q Did you see any employee leave his position, moving quickly?

A No.

Q Did you see any employee run?

A No.

Q Did you see any employees who appeared to be nervous at that time?

A Everybody was nervous once they knew the Immigration was there.

Q After you observed the six officers going through the rows, what did you next observe?

A Well, then I saw the—them taking them away to the side, the people that they apparently didn't have any proof of where they were from. I saw them take them by the arm. The girls, they'd take that way. And the men I saw them with the handcuffs. I didn't see any officer actually handcuff them. But I saw all these men with handcuffs on them. They [52] were all led to one side of the building, which at that time was pretty clear. And out the side door, which would be Eleventh Street.

Q Did you know any of the men who were being taken away?

A Did I know them what, by name?

Q Yes.

A Not really. Say first-name basis, not but the full names, no.

Q Were any of them under you, that is you being a supervisory employee?

A I don't think so. I don't remember any of them being taken. There was so much confusion, I mean afterwards, you know.

Q How many Immigration officers did you personally observe during the course of the survey?

MR. FENTON: You mean the entire survey you are talking about?

When he says survey, he is talking about what you consider raid. During that entire raid, how many officers did you see?

THE WITNESS: I don't know. There was six there. I saw four over there, plus the ones I saw could have been anywhere between 10 and 15.

MR. GOTLEIB: Q Other than the two women [53] officers you have already identified, did you see any other women officers?

A No.

Q Did you overhear any conversation between an officer and an employee?

A Just the one I interpreted from, and oh, there was a couple of others. This is the first raid we're talking about, right, or all of them combined?

Q We are talking about the very first incident that you have referred to in your declaration.

A Okay. Just the one I interpreted for.

Q And how did that come about? What were the circumstances?

A Well, when they were going from row to row, he stopped there.

Q Stopped where?

A Right at the girl, and which was on the third row, okay. I remember that, because I only go three rows. Anyway, he stopped there and he just stood there. And she called me. So I walked over to her and asked her what's wrong.

She goes, "Tell him that I have my card, okay?"

And I told her, "All right."

So I told him and then he stood there, which I don't know whether she walked over to get it, but I just [54] interpreted what she said to him and I walked away.

Q Did you observe anything else between that employee and the officer after you walked away?

A No. He was the same one that was standing there at the very beginning when I first noticed him, and I saw him go back to that station. Then he walked over to a phone, I think it was, or a walkie—I don't know what it was. He had something in his hand. And then he stood there. And then another officer came over, which they had already checked that one side. And they both walked away.

Q How far were you standing from her before you went over to see her?

A Oh, might have been about—I don't know, about 20, 25 feet.

Q After you walked away then what was the next thing you observed?

A Well, I don't know. Since I turned away, I don't know if she got up or what she did. But I know he walked away from her, so apparently she showed him proof. She's still here, so I guess he didn't take her.

Q Were there any employees of Latin ancestry who you observed not to be questioned?

A I know I wasn't the first time and I know me. I didn't look at everyone. I didn't follow them with everyone. So I don't know if they skipped. Now, I saw on some of [55] them on the other rows, I didn't see them hit everybody. Kind of did some, skipped some, did some, skipped some. So I don't know if they were.

Q Did it appear there were some persons of Latin ancestry they were skipping over?

A I couldn't tell you for sure, no. I don't know.

Q Did you observe any officer asking any questions of any black employees?

A I didn't see any.

Q Did you observe any questions being asked of any Anglo employees?

A I really don't know. I didn't see any.

Q Where were you standing at that time after you came back from—

A I went back to the same place where I was, right at the front.

Q Is that your normal work station at that time?

A Yes.

Q Did you observe any Oriental employees being questioned?

A I didn't see any.

Q Well, from that work station that you were at at that time were you able to see any employees who were [56] either blacks, Anglo or Oriental?

A I could see some, yes, from where I was, but I didn't see the officers actually go up to them. I didn't actually see him skip them either, because when you're looking like this, I can turn away and you can change places. I didn't see you when you changed places, but I could turn around and see you're in different places. So I don't know whether he skipped them or hit them. I don't know.

Q Well, at this first incident involving the Immigration Service in January of '77, were you approached by any Immigration officer?

A To ask me, no.

Q Did you have any contact at all with any Immigration officer?

A Yes, when I interpreted for the girl.

Q And apart from that contact of interpreting for that girl, did you have any other contact?

A No, not really.

Q Well, when you returned from your work station from having translated for the officer and for that girl, what did you do next?

A I just stood there and kept looking around.

Q How long did you do that for?

A Maybe five minutes.

Q And then what did you do?

[57] A I went over and started to get everybody back to work.

Q Were the Immigration officers still there at that time?

A Yes, they were.

Q And did your employees return to work at that point?

A Well, they couldn't really. I mean, they were looking around to see what was going on. They weren't really concentrating on their work, which is something that nobody did after that. But we tried to get them to work, which wasn't, you know, a hundred percent successful.

Q And how long did you do that for, try to get them to go back to work?

A Oh, I don't know. It's hard to say.

Q Can you put an estimate on the amount of time you spent doing that?

A I don't know. Maybe a half hour, 45 minutes, because it was a matter of talking to them. "Come on, relax. It's okay. They're going away. They're not here anymore. Just forget it."

So I had to calm down, because some were crying. They didn't take them. They didn't do anything but ask them questions, but they were still crying.

Q How much time passed from the time that you [58] were first aware of that first officer at the door until you were aware that the last Immigration officer had left?

A I don't know really. Could have been anywhere between an hour, hour and a half. I really don't know.

Q Did you go to several departments at this time while the Immigration officers were there to try to get the employees back to work?

A Not in January, no. I mainly stood there because—

Q Stood where?

A In multiple, in the center part of the building. That's where I mainly stood.

Q Did you go to other parts of the building while the Immigration officers were there?

A I don't think so. I don't remember.

Q Do you recall the date of the second time that INS officers came to Davis?

A The date?

Q Yes.

A No, I don't know.

Q In your declaration you referred to it as September 27th of 1977. Does that sound about right to you?

A I guess so.

Q Do you recall a second time that the Immigration officer came to Davis?

[59] A Oh, yes.

Q You were in the factory that day?

A Uh-huh.

Q What time did that take place?

A That was also in the morning.

Q Do you recall about what time?

A No.

Q What was the very first thing you recall observing?

A A lot of rumors. Actually nothing. I heard that they were there.

Q What did you hear?

A Well, I heard—somebody walked over to me. I don't remember who anymore. Came over and said the Immigration is here.

We had heard the rumor the day before and the week before. So it was nothing unusual.

I walked to the back of the building and I saw Gene and I said, "What's this, Gene, really here?"

And he said, "Take a look up in the loft."

And there was an officer up in there. I didn't see him because it was in the dark. And I turned around and I went back to the factory. And I started telling everybody, "Stay calm. They are here, and I don't want anybody running around and nobody getting up and nobody saying nothing. [60] But stay in your places."

And I called the supervisors immediately and I told them, "Keep everybody in your area as—and let them come through here quick and get them out quick, because I don't want any more like last time."

Q What group of employees?

A Johnny Carrera, Phil, Victor. I called Herman. I told them, "Keep them quiet. I don't want anybody crying, nervous or anything else."

And then I noticed the LAPD.

Q Who were Victor and Herman? What are their last names?

A Herman is Delgado. Victor is Lopez, I believe.

Q Did you tell the employees in a particular department, did you give that instruction that you just said to a group of employees in a particular department?

A No, uh-uh. It was the departments generally. Don't remember, I was on the floor. I don't want any nervousness. And I didn't want any crying or outbursts like I had the first time.

What I did, I called every supervisor that I saw within my view, and I told them to relate the message to the rest of them. I wanted everybody quiet and to get them out of here quick.

[61] Q Where were you sitting or standing at that time?

A I was toward Eleventh Street at that time, because I walked through and started telling everybody that as I came. I came from the back, where you face, I

guess, would be the corner of Tenth Street, and I came all along Tenth Street and told them.

Then I crossed over, crossing, like you would say, like what, Central, and I went down toward the Eleventh Street side.

Q After you accomplished that, did you return to one particular spot?

A No. I continued walking through the factory.

Q How long were you doing this for?

A I really don't know. I just kept on seeing that everybody stayed calm.

Q Did you observe any employees running?

A No.

Q Did you observe any employees attempting to hide?

A No.

Q Did you observe any employees leave their work station?

A No, not really, no.

Q So every employee who you observed stayed at [62] his work station?

A To my knowledge, yes.

Q Well, after you went around the floor giving this instruction, what did you do next?

A Nothing. I just waited and looked.

Q Where were you waiting?

A I was pretty much in the center of the building, I guess you could say, more towards Eleventh Street.

Q Did you have a work station there of your own that you were waiting at?

A Yeah—no. Wait a minute. Where was I? I don't even remember really. I stationed myself pretty much wherever I was, whatever the needs were for that moment for that day.

Q Well, after you came to this point near the center of the factory, what did you observe next?

A Well, I saw on the Tenth Street side the LAPD, which I couldn't understand what they were doing there. I saw Immigration officer going back and forth and

doing pretty much the same thing as before, asking questions and taking those very few people. They took some in handcuffs.

I saw on the Eleventh Street side two officers standing by the doorway, which was an emergency fire door. There was two girls working directly in front of them.

At that time the pleating department was [63] there. And I saw them going between the rows and just taking people out, which there were very few, really.

Q And how many officers of LAPD did you observe?

A I think there was five, one of which was a female and four males.

Q And how did you know they were from LAPD?

A You can't mistake those uniforms, all navy.

Q Were they all positioned in one place?

A Yes, they were.

Q Where was that?

A The ones I saw were on the Tenth Street side, which was pretty much in the center of the building, I would say.

Q Were they standing at a wall?

A No, more like at a doorway.

Q Which door was that?

A Well, let's see. You have the entrance there and a doorway where a designing room is.

Q Doorway that goes into a designing room?

A Uh-huh. That was in the process of being built right there. It was a designing room.

Q And that is where you observed the five LAPD officers?

A Like I was standing here, and they were over [64] here. You could turn and see them.

Q How many feet away were you from them?

A When I took a close look, I was pretty close, maybe 12 feet away.

Q How many Immigration officers did you observe?

A I don't remember offhand now. I don't. I don't know. Maybe five, maybe ten. I don't remember.

Q Were any of them female?

A I don't remember seeing any females this time, the second time.

Q Were they all wearing suits?

A Yes, the ones I saw were.

Q Did all the ones you saw have a badge?

A I don't remember seeing any badge. No, I don't, uh-uh.

Q Did any of them have a gun?

A I didn't see any guns.

Q Did the LAPD officers do anything besides stand at that door?

A Not that I could see, other than walking, you know, back and forth. That was about all.

Q Where did they walk to and from?

A They walked like to one side of the building. Then they'd walk back together. Then the other one would walk over that way, then come back again to the same group.

[65] Q Did they have any conversation with any of the employees?

A Not that I saw.

Q Did you stay at this center point in the factory for the remainder of the time that the Immigration officers were there?

A No, I don't think so.

Q How long were you standing at that center point?

A I really don't know. It wasn't the center point. It was to the side of Tenth Street. I don't remember.

Q Well, while you were standing at that place, did you observe, did you overhear any conversations between an Immigration officer and an employee?

A Yes, I did, yeah. I walked back to the center, and that first row was here and I was about here. And one lady was crying. And I walked up, and he barely opened his mouth and she was sobbing so hard. She just got up. So I believe he did take her.

Q Did you overhear any conversation between them?

A He asked her for her papers and he asked her in Spanish, says, "Dos papeles," and she just got up.

Q She—

A She didn't answer. She did not. She was [66] crying. They didn't say a word.

Q Did you overhear any other conversation?

A No, not that I can remember.

Q When you were standing over by that Tenth Street side did you observe any of the employees who are either black, Oriental or Anglo, being asked a question or having a conversation with an Immigration officer?

A No, not while I was standing there, I didn't.

Q Did you observe any persons of Latin ancestry, who were employees, being skipped over by an Immigration officer?

A Not that I can remember.

Q After you left that position by the Tenth Street side, where did you go?

A I went over to the other side of the factory by Eleventh Street.

Q What happened when you got over there?

A Well, I saw them taking some men out with handcuffs through the side door, which was the emergency door, where the officer was standing.

Q The Immigration officer?

A Uh-huh. He was standing by the doorway.

Q What else did you observe?

A Well, there was people walking by which were generally more people. Anyway, so it was natural to see them [67] walk by, two people working and—

Q Did you observe any employees who were black, Oriental or Anglo being skipped over by Immigration officers?

MR. FENTON: Where, what point? You have already asked that question before.

THE WITNESS: Uh-huh. I answered it.

MR. FENTON: You asked that question.

(Discussion off the record.)

THE WITNESS: I didn't notice.

MR. GOTLEIB: Q After you observed these people being taken out the emergency exit, what did you next observe?

A I looked out through the doorway.

Q Pardon me?

A I looked out the door and I saw a green—I think it was a green bus, but it was a bus though, where they told me they were putting them. I didn't see anybody going in there. There was an officer standing outside the door of the bus that I saw.

Q Did somebody tell you that they—

A Yeah, the girls that were standing there by the door said they're putting people in that bus.

Q What girls were those?

A Those two girls working by the doorway, where the two Immigration officers were standing at the doorway.

[68] Q Were they of Latin ancestry?

A Uh-huh.

Q Do you know whether they were asked any questions by Immigration officers?

A Positively, no, I don't know whether they were or not.

Q After you observed the bus out the door, what did you observe next?

A Well, I went back in. It was quieting down, which to me meant they're leaving. And I walked back into the factory and everybody started to go back to work normally, you know, quietly.

Q Where were you at that time?

A Oh, going through the factory again. I was going through the first part of it. I didn't hit the second part yet.

Q You weren't standing still in one place?

A No, I wasn't. I was just going through.

Q Were there Immigration officers still present at that time?

A I didn't see any inside; not that I saw, no.

Q Did you have any contact with any Immigration officer that day?

A Yes, I did.

Q When did that occur?

[69] A It was during the time that I was walking through the center part of the section. And he stopped me and he asked me where was I born. And I said in Huntington Park.

Q And then what happened?

A Nothing. He walked away.

Q And what did you do?

A I kept on going. I was surprised that he asked me, really.

\* \* \* \*

[75] A Well, I hope that they stop.

Q That what stops?

A The raids would stop. I mean, okay. I understand that they're illegal. I realize that. But these are working people. They're not committing a crime as far as I know, because for one, it's none of my business what they do, if it's a personal thing. They're there working. As far as I'm concerned, as long as they're not stealing from the company, they're there working, they're not causing any problems to me or to anyone else, as far as the firm is concerned, that's all I'm interested in.

Q By "they," who do you mean by "they"?

A What do you mean?

Q Your reference aws that they're not criminals, that—

A As far as I'm concerned, the people that are working in that factory, I don't know them to be criminals, criminals to come and be herded out. If they came and they had them with their name, "Well, Jose Garcia committed a crime. He's a thief and he's wanted in Mexico, one Jose Garcia."

But why go in and interrupt the whole production? People are upset, not for a day but for weeks. The minute they hear Immigration, they get panicky. Immigration [76] goes by in the car. These people are legal. They don't have anything to fear. It's just the idea, I guess, they're going to come through.

Q Well, do you fear when you see an Immigration Officer?

A Not when I see him. I don't fear for me. It's what I see.

Q. What is it that you see?

A. Well, the people themselves, the fear they see. Now the people that are there apparently had some experience with Immigration. I don't know what it is. But you can see it in their faces, their reactions, their behavior, which is very upsetting for the company. It's very upsetting for the production and for me, management. And a firm like that, it's very disruptive. And you can't compete with other people that are nonunion in a union shop at the prices they are with that kind of disruption.

\* \* \*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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No. CV 78-0740-LEW (PX)  
CV 78-3246-LEW (PX)

ILGWU, ETC., ET AL., PLAINTIFFS

vs.

JOSEPH SURECK, ET AL., DEFENDANTS

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DEPOSITION OF MARIE MIRAMONTES

Taken on behalf of the defendant at 312 North Spring Street, Los Angeles, California, on Friday, March 23, 1979, commencing at 10:00 a.m., before Gary L. Freerk-sen, CSR No. 1485, a Notary Public for the State of California, pursuant to notice.

\* \* \* \* \*

[7] Q What is your job at Mr. Pleat?

A Forlady or supervisor. Forelady.

Q How long have you held that position?

A Since I started with them, about 18 to 20 years.

Q What are your duties as supervisor?

A I take care of the work and I give the work to the girls. I tell them what to do and I set up machines. From mechanic and everything.

Q Do you circulate around the—

A Yes, I am on the floor most of the time.

Q Since you have been a supervisor at Mr. Pleat, have your duties remained the same?

A Yes.

Q On how many occasions have officers from the Immigration and Naturalization Service entered Mr. Pleat's factory?

A I was on vacation one time. I wasn't there. Never seen them before since that time.

Q How many times has the Immigration Service entered Mr. Pleat's factory when you were actually there?

A Just one time.

\* \* \* \*

[13] Q You were circulating?

A Uh-huh.

Q How did you first become aware that the survey began?

A This building goes—or the X side has no fire exit. We are supposed to have these two doors opened by the fire department all the time.

Q When you say "these two doors"—

A 1 and 2. 1 and 2 doors is supposed to be opened at all times. So that day it was warm, too, and we had the doors open. That is when I seen the vans coming up the driveway in front of the building marked X. All of the vans and the men got out with their walkie-talkies and stood by the door.

Q Where did the vans park?

A On the driveway of Mr. Pleat.

Q Okay. Would you draw where they were parked?

A Right here.

Q Draw it in there.

MR. FENTON: Make a box.

MS. MUNGER: Q To show us where the vans were.

Okay. I see you have drawn four little [14] squares there and labeled them "vans." Are these the vans?

A Yes. They were the vans here—I don't remember how many vans they put in the driveway.

Q Do you remember that there was more than one?

A Oh, yes. They had one parked in the sidewalk of building Y.

Q Would you draw that one, too?

Was there more than one van in front of building X in the driveway?

A Yes, uh-huh.

Q Okay. After the men got out and stood by the doors, were they standing outside the doors or inside the doors?

A Outside the doors.

Q Okay. Then what happened?

A They stood there until—they stood there until I went to see—I went to the other side to the office to see what was going on and then I seen the other doors with men on it.

Q Which other doors?

A 3 and 4. I looked to the door No. 5 and there were men there, too.

Q Okay. At this time were there men standing outside the doors?

[15] A Yes, they were standing outside the doors.

Q Were all of the doors open?

A Yes, uh-huh.

Q 3, 4 and 5?

A Uh-huh.

Q After you walked into the area Y to find out what was going on what happened?

A I went to the office and the secretary was talking to one of the officers.

Q Then what happened?

A She told me it was Immigration. I told her what was happening.

Q Then what did you do?

A When I went back to X they had already come in.

Q Did you see any people coming through doors 3, 4 and 5?

A Yes, uh-huh.

Q Before you left area Y you saw Immigration officers coming through 3, 4 and 5?

A Uh-huh, yes.

Q How were they coming in?

A Walking in.

Q Did they have anything in their hands?

A Some of them had a walkie-talkie.

\* \* \* \*

[18] A No. When I saw them walking in I went to my area, which was X, then when I met one of the officers here then he stopped me and he asked me if I had my papers, that he was from Immigration.

Q Just so I am clear on what happened while you were still in area Y, you saw the people come in but you didn't see what they did; is that correct?

A No. I know they were coming, you know, to talk to them.

Q But you didn't see them?

A No, because I walked back to X.

Q You walked back to X and then that happened?

A Halfway one of the officers asked me if I had my papers, if I had—you know, if I was an American citizen. I told him no.

So he told me if I was a permanent resident or if I had a permit to work or what. I told him it was a permit to work.

Q Did he ask to see your papers?

A Yes.

Q Did you show him your papers?

A Yes. It was lucky I had them that day.

Q Do you know you are required to carry your papers at all times?

[19] A Yes, but sometimes I change purses and I forget. I leave my driver's license sometimes.

Q Have you now told me everything that the Immigration officer said to you?

A Well, he asked me that. He told me who he was and they started all coming in and checking the girls.

Q Just focusing on your conversation with the Immigration officer who spoke to you personally, I want to know everything that he said to you and I am going to—

A That's all he said. I got scared because I figured why would he ask me if I told him I was a—that I was

a resident and I had to show my papers. What if I didn't have the paper with me.

Q That's what scared you?

A It scared me because—normally yo. get nervous when you see everybody is scared, everybody is nervous.

Q Did you see anybody running?

A No.

Q Did the man who spoke to you before he asked you whether you were an American citizen introduce himself to you, tell you who he was?

A He told me he was from Immigration, so when I showed him the papers I saw his badge. If I hadn't, I wouldn't have shown them to him.

[20] Q You saw he had a badge?

A Yes.

Q Was it pinned on his chest or did he have it in his hand?

A I think it was pinned to his chest.

Q Okay. You say if he hadn't had the badge you wouldn't have shown him the paper?

A Uh-huh.

Q Remember to answer yes or no.

A Yes.

Q Did this man walk away as soon as you showed him the paper?

A No. He went to the other one, another lady that was next to me and asked her the same thing.

Q Did he walk away from you?

A Yes.

Q Did he touch you?

A No.

Q Did anything that he did other than ask you for your papers frighten you in any way?

A Yes. I got—I got nervous, I guess. Everybody did.

Q And you said that you got nervous because you wondered what would have happened if you hadn't had your paper?

[21] A Yes. And I was wondering—it came to my thought—my husband at one time—my husband had light

complexion like a blonde and he was in a raid one time and they skipped him, didn't ask for his papers. He stayed 20 years before he got his Immigration paper.

Q Okay. The only thing I am wondering, Mrs. Miramontes, whether the agent did anything else—I understand that asking for the papers made you nervous. I am wondering if he did anything else that made you nervous?

A No. Just—he didn't do nothing. He didn't touch me or do anything.

Q After you finished talking to the agent did you look around and see what the agent did with respect to other people?

A Well, I stayed there. I looked around and everybody was frozen in their seats, scared. Nobody ran. Everybody just stood there.

Q How many agents were in area X at that time?

A Around six or seven at least.

Q How many workers were working in area X at that time?

A There were about 40 I would say.

Q How many workers were working in area Y at that time?

[22] A Around 15 to 16.

Q Did you observe any pattern to the movement of the Immigration officers as they moved through area X; did they seem to have a pattern?

A Yes. They went just like a cloud, you know, because everybody was seated. Nobody ran, nobody did nothing. So they just went from row to row.

Q Okay. In order?

A In order, yes.

Q About how long did they speak with each person?

A Well, if they didn't have their papers they were going to put them on the side against the wall, set them up. If they had their papers or some kind of permit they waited for them to get them out of their purse.

Q What was the longest that you saw an Immigration officer speaking to any one person?

A I don't know. I don't remember what time it took them.

Q Fifteen minutes?

A No. I think it was less than that.

Q Less than ten minutes?

A Around ten, I think, the most. Some of them were fixing their papers or something.

\* \* \* \* \*

[26] Q Did you overhear any of the questions that the Immigration officers were asking to any of the people in the area?

A Yes. They asked them where they were from. They said they were from Mexico. They would tell them if they had any proof of being Mexicans. Some were from Salvador. They were from all over. They were all Latin origin.

Q Do you have a recollection that questions [27] were the same with respect to everybody they talked to, that they had a certain order of questions that they went through?

A Yes. They seemed to be the same.

Q Exactly what was that order of questions as far as you can remember?

A If they were a citizen, if they had permanent residence or they had their permit to work, where they were from, if they were citizens from Mexico or South America.

\* \* \* \* \*

[28] Q When these people answered they were American citizens, what did the Immigration officers do then?

A Nothing.

Q They just walked off?

A Uh-huh. Walked off. I am sure they weren't carrying their birth certificates with them.

Q Did you hear anybody other than the people you have just described telling the Immigration officers that they were American citizens?

A Yes. This lady Catherine, she is an American, but she is blonde, but she is an American citizen.

Q What happened to her?

A Nothing.

Q After she told them she was an American citizen—

A They believed her.

[29] Q What did they do?

A They walked away, went to the next one.

Q Anybody else that you can remember?

A No. On the lady's side that's all that happened.

Q At any time while the Immigration officers were there, did you go back to area Y to see what was going on over there?

A Yes, uh-huh.

Q How many times did you go over to area Y?

A About two or three times.

\* \* \* \* \*

[32] Q Did you look over in the direction of the doors?

A Yes.

Q In area Y?

A Yes.

Q What did you see?

A I saw somebody in the doors, people in the doors, officers.

Q When you say they were in the doors, what do you mean?

A They were standing.

Q Standing where?

A On 3, 4 and 5, especially in section Y.

Q Where were they standing?

A Right in the door, the door frame. What do you call it?

Q They were standing beside the door?

A You could see them from the inside, but they were not inside. They were outside.

Q As you looked at the door were they a little off to the side or were they—was there space in the center of the door frame?

A They wasn't in the center.

Q They were not in the center?

A No, not all of them. They were just [33] normally in the door. They were just standing outside the door off to one side; is that right?

A One side, in the center—I don't remember that, but it was normal.

Q Were these people who were standing outside the doors doing anything with their hands?

A No.

Q Their hands were just resting at their sides?

A Their sides or I don't know what they were doing, but they—you mean holding a gun or anything?

Q Yes.

A No.

Q Were they stiff or rigid, were they standing stiffly or rigidly?

A No.

Q Did they have their hands or legs spread out to block the doors?

A No.

Q What did you think they were doing out there?

A Not to let anybody go out.

Q Why did you think they were there to keep people from going out?

A That was what the raid was about, not let [34] anybody go out.

Q Did you see them stop anybody trying to leave?

A They tried to stop one guy, but he got away.

Q Would you describe that incident for us?

A One guy walked out the door and they tried to stop him and he pushed the officer to the side and he ran.

Q When you say that they tried to stop him, how did they try to stop him?

A They tried to hold him. They didn't use no gun or nothing.

Q How far away from the—which door, first of all, did that take place at?

A This one in the front.

Q Okay. Was there one officer standing outside door 5 at that time?

A Yes. It was one officer on door 5 and later another one came and held him there.

Q At the time this worker tried to leave through door 5 there was just one officer there?

A I just seen one officer.

Q Did you hear the Immigration officer say anything to this—

A Yes. He told him he couldn't get out, [35] stay inside.

Q Were those his exact words?

A "Stay inside." I think so.

Q What did the worker do?

A He pushed him and ran.

Q After being told to stay inside?

A Uh-huh. Because the officer grabbed him by the shirt and he had a piece of T-shirt.

But he got away.

Q Did you see any other people trying to leave by any other doors in area X or Y?

A No. That was the only one.

Q Other than the one incident where you heard the Immigration officer ask the man to stay inside, did any of the officers do anything else that made you think that they were there to keep people from leaving?

A No, but that's the first thing anybody thinks standing by the door. It's normal for anybody to think to keep people from leaving. Like me, I had my papers and everything and I didn't want to go outside and look around.

Q Did you try to leave at any time during that time?

A No.

Q Did you want to leave at any time?

[36] A I wanted to leave.

Q Why didn't you leave?

A Because if I leave and they think I don't have no papers and they shoot me or something. They see me leaving and they think I'm guilty.

Q With respect to the doors in area X, I think it is doors 2, 3—2 and 3—with respect to doors 1 and 2, did you also see Immigration officers standing outside doors 1 and 2?

A Yes.

Q Were they also standing in a relaxed way outside the door?

A Yes. They were leaning against a van or something.

Q Do you remember any door where there was an officer actually standing in the middle of the door frame?

A No, I don't remember.

Q How long did the survey take?

A About an hour and a half. I think when the time came for breaktime they were gone already, nobody would break.

Q At the time of the survey were you aware of the Immigration status of any of your co-workers?

A No. You mean that had papers or didn't have papers?

\* \* \* \* \*

[42] Q They didn't ask them any questions at all?

A No.

Q What about the blonde?

A She spoke to them and they spoke back in English, the Italian and the other woman, and they wasn't asked any more.

Q Is your testimony then the only people you saw the Immigration Service completely pass by without asking any questions were the colored people?

A Colored, uh-huh, and light people.

Q You did see some people who were light who they didn't ask any questions of?

A They asked them if they are American citizens, then they say yes and that was about it.

Q When I—

A There are other—the American citizens didn't have anything to show. They were American citizens. They didn't have anything when asked.

Q When I say "passed by" I mean the Immigration Service didn't ask them any questions at all, didn't ask them if they were citizens.

Now, using that definition of "passed by," [43] would you please tell me what people were passed by?

A The colored.

Q Only the coloreds?

A Yes, in building X.

Q In building Y did you have a chance to tell whether anybody was passed by?

A In building Y there was another officer that asked the clerk, who was colored, asked him.

Q But in building Y did you have a chance to see whether there were any people who were completely passed by by the INS?

A No, because that building was empty when they left. Just a couple of workers.

Q Would you answer my question? No, you did not see anybody passed by in building Y?

A No.

Q Where were you born?

A In Mexico.

Q When did you come to California?

A In 1944.

Q Did you attend school here?

A Yes, uh-huh.

Q Did you graduate from high school?

A Yes. Roosevelt.

\* \* \* \* \*

[45] Q How did you become a plaintiff in this lawsuit?

A Because the day of the raid we were left with no workers and we were—that was a union shop. We were going to call our union. We needed help. I called Gloria.

Q Gloria—

A The one that takes care of our shop.

So I told her—I told her what happened and did she have anybody to send over, that the work had to get out. She came down and we started talking. I told her it was terrible, it was awful what happened, you know, how everybody felt, whether we were legally or not legally. I guess everybody felt the same.

I told her there should be a way we should stop this.

Q Then what happened?

A So she said, "Yes, I think so." She said, "I'll try and see can the union do something."

Even coming to the factories, or if they want to get somebody they come and get somebody, but—everybody panicked and everybody gets hurt and everybody gets—even the ones that have papers.

[46] Q How did you suffer?

A We suffered because we have feelings and we get nervous. You are not sure anymore.

Q Not sure about what?

A What is going to happen when you walk on the street, if they are going to grab you or go in the factory the next day. You just see vans and the vans come in the driveway and I think maybe the Immigration again, you know.

Q Other than the conversation that you have already described to me between yourself and the Immigration officer, did you have any conversation with any other Immigration officer during the survey?

A No.

Q Did you have any other conversation with the officer that we already discussed?

A Which officer?

Q The officer that asked you the questions.

A No. Just what he asked and that's all.

\* \* \* \* \*

[48] Q You were telling me things that bothered you about the factory survey. I would like you to continue

telling me what it is that you think is bad about the factory survey.

A Well, if I would have been a Korean or from Canada I am sure they wouldn't have asked me anything, or from Thailand.

Q Why did that make you feel bad?

A Because they are not fair to everybody. Why don't they ask everybody or why don't they just stop asking and go for the ones they want.

Q Is there anything else about the factory survey procedure that bothers you?

A The whole thing bothers me. It bothers me, makes me feel bad. We stay there—people that have papers and everything were nervous and were upset for a couple of days after that, not only me.

Q Were you nervous and upset for a couple of days after that?

A. Yes.

Q Why were you nervous and upset?

A I guess it's normal for every human being to feel like that.

Q Why?

A To see a lot of the people working and [49] they take them away, some were crying, some are—it just makes you feel bad. It is very sad to have to see it and if you are one of them, you know—me, I am one of them. If you are Latin or—if you went to Mexico and they did that to a bunch of white people like you, you would feel bad for them, too.

Q Okay. So you feel bad for the ones they took away?

A Bad for the ones that they didn't take because they were bothered.

Q Why were they bothered, why were the ones not taken bothered?

A Because the ones that had the papers you still have the papers and they still were bothered, they

couldn't believe they had their papers when they told them.

Q Well—

A Like I seen that lady like I told you, she told them she was an American citizen and they didn't bother her, but the other ones, dark or a little lighter than me or a little darker than me, and they had their papers and they were asked to show them.

Q Do you know that there is a statute that requires people who are not citizens to carry their papers at all times?

A Yes, uh-huh.

[50] Q Do you also know there is not a statute that requires an American citizen to have proof of American citizenship all of the time?

A That is what I mean, what are they going to prove?

Q Do you know that there is a difference in the law?

A Yes.

Q Do you oppose that difference in the law because that is unfair?

MR. FENTON: Objection. This is a very interesting topical conversation, but it is irrelevant and I instruct her not to answer.

MS. MUNGER: I think the answer is already on the record.

Q Have you told me everything about the factory survey procedure that bothered you?

A Well, I would like to help and stop these raids on the factories and on the street. I feel if they break the law they go pick them up. If he hasn't broken any other law, like just Immigration law, I don't see why they go to the places or the streets and pick them up if they are not breaking the law, but that always has been here.

Q Do you think that the Immigration Service should enforce Immigration laws?

[51] A They should enforce it at the border.

Q Only at the border?

A Someplace, but not to bother people with papers and not papers mixed together, bother them.

Q Is there anything else about the factory survey that bothered you?

A No.

Q Have you told me everything about the factory survey that bothers you?

MR. FENTON: That has been asked and answered.

THE WITNESS: Yes.

MS. MUNGER: Q Have you had conversations with other persons of Latin ancestry about the factory survey?

A You mean have I talked about the raid?

Q The survey, have you spoken to other Latin people?

A Oh, yes. We always talk about it. We see it on television. They have a raid here, a raid over there, and what they did over here. We always hear on the news.

Q Have you every spoken to any Latin person who has told you that he shares your view about the factory survey?

A Yes. A lot of people share my views.

\* \* \* \* \*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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Nos. CV 78-0740-LEW(PX)  
CV 78-3246-LEW(PX)

VOLUME I

ILGWU, ETC., ET AL., PLAINTIFFS

vs.

JOSEPH SURECK, ET AL., DEFENDANTS

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DEPOSITION OF FRANCISCA LABONTE

Taken on behalf of defendant at 312 North Spring Street, 11th Floor, Los Angeles, California, commencing at 11:10 A.M., Thursday, February 22, 1979, before Sylvia Wonderling, CSR 794, a Notary Public of the State of California, pursuant to Notice.

\* \* \* \* \*

[17] Q Was the first time that they came into the factory in 1967?

A I don't remember the dates.

Q At the time of the first incident was the company located in its present address?

A Yes.

Q Do you remember when in 1977 the second incident occurred?

A September to October, something like that.

Q What time of day?

A It was in the morning.

Q Would you please described what happened on that occasion?

A Yes. I was working when I heard a lot of movement and many men came in and they got—put themselves into all the doors. And then they came, went around to—dispersed themselves, asked a lot of people,

all the people. And they come up against me. I am surprised because I was working. And I don't like it that they should talk to me, because I can cut myself with my scissors. I can grab my hands with a needle from the machine. And that's why all the people moved.

\* \* \* \* \*

[25] MS. MUNGER: Q How many officers came into the bias department?

A Ten.

Q Were they running or walking?

A Walking.

Q What did they have on? What clothes did they have on?

A Beige pants and a shirt, beige, something like that.

Q Were they all dressed alike?

A No.

Q They were not wearing a uniform, were they?

A I don't remember.

Q Did you see any guns?

A No.

Q Did you see any weapons of any kind?

A Well, no.

Q Did the men have anything in their hands?

A I don't remember.

Q Did you see any women with them when they were—

A No.

Q Did you see any handcuffs?

A Yes.

Q Where did you see those?

[26] A In the fellows that they put them on here.

Q Before they put them on anybody, did you see them?

A Yes.

Q Where were they?

A Right on the bags—the pocket of the pants.

Q Were they inside the pocket?

A Yes, you could see it on the outside.

Q How could you see them if they were in the pocket?

A One of the outside—some were on the outside, one on the outside.

Q Did the ten men that came into the bias department come in all at one time?

A I—I don't know. I—yes, I saw them like all of them like that.

Q Which way were you facing when they came in?

A I don't understand.

Q Were you facing this way or this way?

A On all sides.

Q Do you sit at a chair at your machine?

A Yes.

Q And is the machine in front of you?

A Yes.

\* \* \* \* \*

[30] Q When you first looked up from your machine, was the door open?

A Yes.

Q Was it being held open by somebody?

A The immigrants.

Q Three Immigration officers were holding the door open?

A About four or five.

Q And were other Immigration officers inside the room when you first looked up?

A Yes.

Q And when you first looked up you also noticed the truck was outside?

THE INTERPRETER: When you first looked up what?

MS. MUNGER: Q When you first looked up you first noticed the truck was outside, is that right?

A I don't understand.

Q Mrs. Labonte, when you first looked up you saw four men holding this door open, is that right?

A Yes.

Q When you first looked up you also saw Immigration officers in the bias department, is that right?

[31] A Yes.

Q And you also saw that there was a truck parked outside when you first looked up?

A Yes.

Q Did you see anything else?

A The fellows that they pulled out of here forced.

Q Would you describe where that was? Where did you see that?

A Yes. They were pulling them out over here toward the outside to put them in the truck. I went out to the outside to speak with the immigrants. Why were they taking out the fellows tied up, because they were working. They weren't any criminals.

\* \* \* \* \*

[34] Q You said you went out to talk to the Immigration officers, to ask them why they were taking these people away. Where were the officers when you asked them that question?

A Somewhere here outside.

Q Outside door F?

A Yes.

Q By the truck?

A Yes.

[35] Q Would you draw the truck?

A Uh-huh.

Q And would you mark the truck T?

A (The witness complied.)

MS. MUNGER: Q Now, when you went out the door to talk to the men, was the door still being held open?

A Yes.

Q Did anybody tell you you couldn't go through the door?

A No.

Q Did anybody try to stop you?

A No.

Q Did anybody ask you anything when you went through the door?

A No.

Q Did you just get up from your machine and walk out the door?

A Yes.

Q What did the Immigration officers say to you when you asked them why they were doing what they were doing?

A The immigrant answered to me, "Well, that doesn't hurt them."

Q Did he say anything else?

A No.

Q Did he ask you any questions?

[36] A No.

Q Did you speak to him in English or in Spanish?

A In Spanish.

Q Did you say anything else to him?

A Whatever I said.

Q What did you say to him outside?

A That why were they tying the boys up over here, that they were no criminals.

Q Is that the only thing you said?

A Yes.

Q Have you told me everything that they said to you?

A Yes.

Q After you finished this conversation, did you go back inside the factory?

A Yes.

Q Did you sit down at your machine again?

A You can sometimes sit up, sometimes down, because, you see, I sick, I sick, and no got the time. I didn't get any time to work because I was nervous.

Q Why were you nervous?

A Because I saw the immigrants pushing the people and asking questions and talking.

Q Did any Immigration officer push you?

A No.

[37] Q Did any Immigration officer touch you in any way?

A Yes.

Q And how did that happen?

A He said, "Where are your papers?"

MR. FENTON: Indicating for the record a tap on the left shoulder.

MS. MUNGER: Q Was that after you had finished your conversation with the Immigration officer outside?

A No, before.

Q And what did you say to him?

A I turned, and at the same time I didn't wish to identify myself. When I saw them, I said, "Yes, yes, I have my papers."

Q Then what happened?

A I took them out to show to them.

Q Did he say anything else to you?

A No, because they were looking from here to there and from there to here.

(Conference between the witness and her counsel.)

(Recess.)

MS. MUNGER: Q How long after you first looked up from your machine was it before you felt the tap on your shoulder?

[38] A I didn't understand.

Q You testified that you first looked up from your machine when you became aware of movement in the factory.

A Yes.

Q How long after that was it before you felt somebody tap on your shoulder?

A At the moment, at the moment when they started all in the factory.

Q As far as you are concerned, it happened pretty much all at the same time?

A When, yes, because there were quite a few.

Q When you felt the tap on your shoulder, did you get up from your chair?

A No.

Q Did you remain seated at your machine?

A Yes.

Q Did the Immigration officer stand in such a way that you could see him, sitting in your chair?

A Yes, because he was right here.

Q He was standing right beside your chair?

A Yes.

Q And exactly what did he say to you?

A "Where are your papers?"

Q Did he say that in Spanish?

A Yes.

[39] Q Did he say anything else?

A No.

Q And you showed him your papers?

A Yes.

Q Did you say anything to him?

A No.

Q And then did he walk away?

A They were all over asking others.

Q Mrs. Labonte, again after you showed him your papers, did he walk away from you?

MR. FENTON: She answered that question.

MS. MUNGER: She didn't answer it. This is the problem.

MR. FENTON: Well, okay.

MS. MUNGER: Q Yes or no?

MR. FENTON: Walk away from her immediate area is what you are talking about, because—

A The immigrant?

MS. MUNGER: Q Yes.

A Yes, he walked like this.

Q Have you now told me everything that you said to that Immigration officer and everything that he said to you?

A I don't understand.

Q Have you now told me everything that the Immigration officer said to you?

[40] A Yes.

Q And have you now told me everything you said to that Immigration officer?

A Yes.

Q You have now told me about two conversations that you have had with Immigration officers, one at the truck and one by your seat. Did you have any other—

A No.

Q Did you say anything at all to any other Immigration officers that day?

A No.

Q Did any other Immigration officers say anything else to you that day?

A No.

Q Other than the tap on your shoulder, did any Immigration officer ever touch you?

A No, I wouldn't permit it.

Q Did somebody try to touch you?

A No.

Q When you saw the fellows being taken out the door, would you describe how they were being taken outside?

A Yes.

Q What I am asking you to do is to describe to me the manner in which the officers were taking the men out the door.

[41] A They were taking them, two tied up like this, towards the outside.

Q Were two men handcuffed together?

A Yes.

Q And the two men that were handcuffed together that you saw were both workers in the pleating department?

A Yes.

Q Other than the two men that are tied together, did you see the Immigration officers taking anyone else outside?

A Yes, more fellows.

Q The more fellows that you saw, were they also tied together in pairs?

A Yes.

Q When you say they were tied together, do you mean they were hooked together with handcuffs?

A Yes.

Q Rope was not used?

A No.

Q How many pairs of workers did you see being taken out?

A Oh, I don't know the amount.

Q How many workers are there in the pleating department?

A About 500.

\* \* \* \* \*

[43] Q They were all walking?

A Yes.

Q They were not dragged outside?

A Well, they were taking them—no, they were taking them, pulling them. They didn't say, "Well, go on over to the car."

Q The Immigration officers were holding on to one of the workers in the pair, is that right? Okay. Was each pair of workers accompanied by an Immigration officer?

A Yes.

Q Was each pair of workers accompanied by only one officer?

A They were all together there, pulling them out and pulling them out.

Q Okay.

A Taking them out.

Q Did you see anybody fall down?

A No, I didn't see, but yes, yes, they talked about it later.

Q But you didn't see anybody fall down, is that right?

A No, no.

Q Did you see the Immigration officers hit anybody?  
[44] A Not exactly hitting anybody, no.

Q Did it seem to you that the Immigration officers were handling the people roughly?

A They weren't very loving, after all.

Q They weren't very loving, but would you say they were being treated very roughly?

A Yes.

Q Now, focusing on that impression that you had, what exactly about what they did gave you that impression?

A I became very angry that they should treat like that Latin people, because if they are working to support themselves, they're good people, I think. They're working.

Q Have you told me everything that you saw that day that gave you the impression that the people were being treated roughly?

THE INTERPRETER: Well, I am using the word "badly treated," because that is the closest interpretation I can get to roughly.

MS. MUNGER: And her answer to that was?

THE INTERPRETER: Badly treated.

\* \* \* \* \*

[49] Q Did you stay in area 1 and 2?

A Yes.

Q The whole time the officers were there?

A Yes.

Q Did you want to go over to area 3 and find out what was going on?

MR. FENTON: I object to that as entirely immaterial.

You can answer the question.

MS. MUNGER: Q Answer the question.

A I didn't go over there because I was over here, and I was close to the door where they were putting them in the truck. I had no reason to go over here to see what was going on if everything was happening over here.

Q So you didn't want to go over to area 3?

A For what?

Q Is the answer no?

[50] A No.

Q Was there an INS officer standing in this doorway?

MR. FENTON: Indicating K.

MS. MUNGER: Q Indicating K, doorway K.

A He was standing—standing, no, but they were all walking, walking, walking, walking all over the place.

Q There was no INS officer blocking doorway K, is that right?

A From the inside, I don't think.

Q Did you think that if you wanted to go outside you could go outside?

A Yes, yes.

Q And you did in fact go outside?

A Yes.

Q Did you understand that the other workers in the factory could also go outside?

MR. FENTON: Wait a second. I object to that on the basis it is ambiguous as to time in terms of the raid.

MS. MUNGER: Q During the raid—pardon me, the survey?

A I didn't understand.

Q During the time that Immigration officers who were at Southern California Davis Pleating, did you understand that the other workers could also go outside?

A Well, of course they could go outside, but [51] how if everybody was in the doors? Immigration was in all the doors. How could they go out? I went out because it didn't matter to me, because as I said, I got very angry that they should treat the people in that manner.

Q They were taking people through the door, is that right?

A Yes.

Q When you say that it would have been hard for people to leave, is that because there were so many people being taken through the door?

A I don't understand.

Q You said that the Immigration officers were in the doors.

A Yes.

Q They were in the doors taking people outside?

A Yes.

Q Is that not right?

A Yes.

Q And is that why it would have been difficult to go outside?

A Of course, because the Immigration officers were standing there.

Q They were standing there taking people outside, weren't they?

A Yes.

[52] Q Were there any Immigration officers standing in the doors who were neither holding the door open nor taking workers outside?

A I don't know.

Q Were you aware of any INS officers who were standing at any door for the sole purpose to keep workers from leaving?

A Yes.

Q Where was that?

A In the factory.

Q Which door?

A I'm talking all of them, in all of them. They were in all of them.

Q How do you know that?

A Because they were there.

Q You didn't see them, did you, Mrs. Labonte?

MR. FENTON: Wait, wait. You didn't say did you.

THE INTERPRETER: No, that is a way, a form of asking the question, Counsel. I am not going to teach you Spanish, and believe me, I am very familiar with the language.

MR. FENTON: Okay. Sorry.

A (Through the interpreter) Yes, because in this door standing over here, I could also see over here.

MS. MUNGER: Q Which door could you also see?

A E.

[53] Q Door E. How could you see that?

A Because I've got my eyes and I was standing right over here and I could see all the way over here.

Q Is there a wall here?

A No.

Q You have drawn a line here, line J.

A There is no wall here.

Q You are now erasing part of line J. Finish erasing it so that it shows accurately.

A (The witness complied.)

Q Now, what did you see at door E?

A Immigrants stopped right over here.

Q How many?

A I don't remember.

Q More than one?

A Oh, yes.

Q More than four?

A Could have been four.

Q Could it have been ten?

A No.

Q Could it have been six?

A No. They were all spilled all over. They weren't going to be in just one door.

Q But there were some officers who were standing at door E, is that right?

[54] A Yes.

Q What were they doing there?

A They were guarding so that nobody would go outside.

Q How do you know that?

A Well, why would they go if not to keep all the people on the inside so that they wouldn't go to the outside? They were blocking everybody inside.

Q You have two doors here, door E and door D?

A Yes.

Q Did you walk over here so you could see it?

A No, no, no.

Q You walked over here so you could see?

A Right here.

Q So you were close to door F, looking over at doors E and D?

A Yes.

Q Did you ever walk into the pleating department, into area 2?

A No.

Q But you did walk over to door F?

A Oh, yes.

Q And you saw some Immigration officers?

A Yes.

\* \* \* \* \*

[58] Q Did you see the Immigration officers questioning people in the pleating department?

A I saw that they were moving around and talking, but I didn't get to listen.

Q So you don't know what they said to anybody in the pleating department?

A No.

Q Did you get to hear what they said to anybody in the bias department?

A Yes.

Q Who did you hear them talking to in the bias department?

A To my co-workers.

Q Did they talk to all of your co-workers?

A Not with all of them, all of them, because there are Latins and there are blacks and there are some whites.

Q Did they speak to all the Latinos?

A Yes.

Q And how do you know that?

A Because I saw them, all the Latins, all the Latins that they were moving.

[59] MS. MUNGER: May I hear the answer again? Would you read back that answer?

(The reporter read the record.)

MS. MUNGER: Q Is there any other way you have of knowing that they spoke to all the Latins?

A Well, what were they directing themselves to?

Q Mrs. Labonte, I have to ask you to answer the question yes or no.

MR. FENTON: I don't understand the question.

MS. MUNGER: Q Other than seeing that the Latin people were moving around, do you have any way of knowing whether the Immigration officers talked to all of the Latins in the bias department?

A I didn't see that they talked to all of them, but one supposes if they were all walking inside—

Q Did you see them talking to any of the blacks or whites?

A No.

Q In the pleating department did you see with your eyes who they were talking to in the pleating department?

A With the fellows there, the workers.

Q Were they talking to absolutely everybody in the pleating department?

A Some here, some there, some there, some there.

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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No. 78-0740 LEW

THE INTERNATIONAL LADIES GARMENT WORKERS UNION,  
AFL-CIO, HERMAN DELGADO, RAMONA CORREA, PLAINTIFFS

vs.

JOSEPH SURECK, GIL CLARIN, JAMES ROBINSON, FORTY  
UNNAMED AGENTS OF THE IMMIGRATION AND NATU-  
RALIZATION SERVICE, DEFENDANTS

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DEPOSITION OF RICHARD RICE

Los Angeles, California

January 26, 1979

[4]

RICHARD RICE

having been first duly sworn, was examined and testified  
as follows:

EXAMINATION

BY MR. FENTON:

Q Mr. Rice, you have just been sworn in, and you do  
understand that you have the same obligation to tell the  
truth here as though you were testifying in the United  
States District Court? Do you understand that?

A I do.

Q Now, you are employed at the Immigration and  
Naturalization Service; is that correct?

A That is correct.

Q Are you employed in the Investigations Branch in the Los Angeles District Office currently?

A No, I am not.

Q Where are you employed?

A I'm in the Detention Section.

Q What branch is that in? Is it a separate branch altogether?

A Yes, it is.

Q Were you formerly assigned to the Investigations Branch?

A Yes, I was.

Q When were you assigned there?

A September of 1976 to September of 1977.

\* \* \* \* \*

[7] Q Now, did you go on surveys every day pretty much during that year?

A Almost every day.

Q How many surveys a day would you complete on the average, if you recall?

A That's hard to say. Probably three, maybe four.

Q How many other investigators would go with you on these surveys on the average?

A That would alternate. Probably, on the average, 20, 25.

Q Would Mr. Englert and Mr. Dodds go on these surveys on the same day, generally?

A No, I don't think so.

Q Did you have any regular assignment in terms of these surveys? Did you always do the same things?

A No, sir, it wasn't any regular assignment.

Q And you'd get assignments from day to day?

A Yes, sir.

Q Were these surveys planned in advance, do you recall?

A Yes, sir, they are.

Q What equipment were you issued in connection with these surveys? What did you take with you, if you [8] recall?

A Equipment? I would say flashlight, and of course the van or vehicle.

Q How big are these flashlights, that you are issued?

A Eight inches, ten inches.

Q Do you carry them on your person when you go on these surveys?

A Yes.

Q Are you trained to use them as a baton if it's necessary to do so?

A If it's necessary to do so, I guess.

Q I'm asking you in terms of training. Are these supposed to be used in that way?

A No.

Q Are you issued a baton or a nightstick or anything of that sort?

A No, I was not.

Q I'm talking about you. Were you issued a gun?

A Yes.

Q Did you carry a gun on your belt?

A On my belt, yes.

Q What kind of clothing did you wear when you went on surveys, do you recall?

A It depended. Sometimes I wore a suit, sports jacket, and sometimes dressed as I am now.

Q You mean with a sports shirt.

[9] A With a jacket.

Q When you went on these surveys, did you wear a badge?

A When we went into a facility, yes.

Q Did you carry handcuffs?

A Yes.

Q How many pairs did you carry, do you recall?

A I carried one.

Q Now, at the beginning of the day's surveys, did you have a meeting?

A Yes.

Q Would Mr. Smith generally be in attendance in those meetings?

A No.

Q Would either Mr. Englert or Mr. Dodds be in charge of the meetings?

A Yes.

Q At that time, they would make the assignments for the day's surveys?

A Yes.

Q Now, did they carry any sort of notebook or anything like that in which they wrote the day's plans, do you recall?

A I really don't recall.

\* \* \* \* \*

[11] Q What did they tell you you were supposed to do when you were stationed outside the exits, entrances, and windows?

A In the event somebody was trying to flee the building, we would question them and ascertain whether or not they were in fact an illegal alien.

Q What if they attempted to flee? What were you supposed to do?

A Stop them and ask them.

Q Now, what instructions did they give you in terms of what you were supposed to do when you go through the factory? What were you supposed to do? What were your instructions?

A You were to question the people within the factory to ascertain whether or not they were in fact citizens or noncitizens or what their status was.

Q How were you supposed to do that?

A As we were walking through, is that what you are talking about?

Q Yes.

A You would talk to the people and ask them questions.

Q So you would walk down the rows of people, if there were rows?

A As you came to them, yes.

[12] Q Then you'd ask each person various questions?

A Yes.

Q What questions were you supposed to ask them?

A Well, first of all, you identified yourself as an Immigration Officer, what your purpose was for being there, and asked them whether or not they were a citizen of the United States.

Q All right. Is this what you would ask every person when you went on survey?

A I would, yes.

Q To your knowledge, did the other agents who were working beside you, did they do that too from what you were able to observe?

A As far as I know, yes.

Q Talking about you personally, what if a person indicated that he or she wasn't a citizen? Then what were you instructed to do, do you recall?

A Well, if they were not a citizen and they had advised us of the fact that they were not a citizen, we would ascertain what their status was in the United States.

Q What if they told you they were a citizen? Then what were you instructed to say?

A If they told us they were a citizen and we had no reason to question that fact, that terminated the interview.

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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No. CV 78-0740 LEW (PX)  
CV 78-3246 LEW (PX)

ILGWU, ET AL., PLAINTIFFS

*vs.*

JOSEPH SURECK, ET AL., DEFENDANTS

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DEPOSITION OF CARLOS TELLEZ, JR.

Los Angeles, California

April 20, 1979

[4] CARLOS TELLEZ, JR.,

having first been duly sworn, was examined and testified  
as follows:

EXAMINATION

BY MR. FENTON:

Q Would you state your full name for the record,  
please.

A Carlos Tellez, T-e-l-l-e-z.

Q Mr. Tellez, have you ever had your deposition  
taken before?

A Have I ever had a deposition taken before?

Q Right.

A Some time ago.

Q You understand, then, that you are testifying under  
penalty of perjury as though you were testifying on a  
witness stand in a court of law.

You understand that?

A Yes, I do.

Q You understand that you have the same obligation to tell the truth here today as though you were testifying in court?

A Yes, I do. I understand.

Q How long have you worked for the Immigration and Naturalization Service?

A Going on 11 years.

\* \* \* \*

[16] A You want me to describe how a survey takes place?

Q Yes.

A From the point where we get our briefing, either in the office or out in the field, assignments are made as to where the men are going to be positioned and from there we proceed to the location.

Q How would the men be positioned? Was there some sort of pattern that was followed?

A Yes, depending on where the men would be going into the factory.

Q And were men generally positioned at the exits and entrances by which people could flee?

A Yes.

Q Or through which people could flee?

A Yes.

Q For what purpose were they stationed there, if you know?

A They were stationed there for a number of reasons; one, to observe what was going on if the door was open, if they are standing on the outside observing inside. Another is to sort of keep people from—maybe people who might be considered to be illegal aliens, from coming out through the exits.

\* \* \* \*

[24] Q So far as you knew during the time you worked in area control, Mr. Tellez, was it the policy of INS to interview all employees who worked for the factory during the factory survey or only those suspected of being illegal aliens?

A It was the policy to interview all of the employees at the factory.

Q What about yourself? You say there were many people that you did not interview.

A Well, we didn't necessarily interview everyone, [25] depending on our own personal observation of the people there.

Q Okay. In other words, you were to interview all people who you suspected of being illegal aliens; is that right?

MR. FENTON: Objection; leading.

MS. MUNGER: Let me rephrase the question.

Q You say that the policy was to interview all aliens.

MR. FENTON: Objection.

MS. MUNGER: Let me try that again.

Q Have you any explanation for why the officers made it a practice not to interview all employees if it was, as you say, the policy of the Immigration Service to interview all employees?

MR. FENTON: Objection. That is assuming facts not in evidence. He simply said that he didn't interview all the people that he encountered, and it is also leading.

MS. MUNGER: I am just asking the witness for an explanation and I think he may answer the question.

MR. FENTON: Yes.

THE WITNESS: I didn't question all the people that I encountered inside the factory but it was our understanding that when we go to a factory we will try to interview everybody, black, white, brown—it doesn't matter what color skin because there could be aliens that are white skinned from other countries; right? Once we get to the factory, then we decide by observing the different individuals whether [26] it is necessary to question one or not, or question the other.

Q BY MS. MUNGER: Can you give us a little bit of an elaboration of what you understand by the INS policy to question all employees within a factory?

A We were not to discriminate against any one particular person or race. That is why we would go in with the thought of interviewing all the employees in that building or location.

Q You mentioned at the beginning of your testimony the factors about the way people dressed. Do you remember that testimony?

A Yes.

Q In determining who to interview once you were inside the factory, did you take into account those same factors of dress that you described for us?

A Yes, I would.

Q You described the pants that illegal aliens tend to wear.

Can you think of anything about the shirts that they wear that is of interest to you in determining who to question?

MR. FENTON: Object to that as leading.

MS. MUNGER: Please answer the question.

THE WITNESS: I can't say anything about what type of shirts, whether they are different from others or not.

\* \* \* \* \*

[28] Q How did your ability to identify these different accents help you in identifying persons to approach during a factory survey?

A Well, putting all that experience together, I would recall, in talking to these people at these factories, well, the different types of accents.

Q If you came across a person who spoke with a Honduran accent, what did that mean to you in terms of whether or not you were likely to ask him a question about his citizenship status?

A Well, that coupled with the person's appearance again would give me the basis of believing that the person would be an alien.

Q During the course of any factory survey that you participated in did you see any person attempting to flee from the factory?

A Yeah.

Q Was that a common occurrence?

A Yes, it was.

Q Were these agents that were stationed at the exists, stationed outside the factory in proximity to the exits?

A Yes, they were.

Q Did you ever see any of these persons who were stationed near the exits attempt to apprehend any person who had fled from the factory?

A Well, it depends on—there were people that—[29] like when I was stationed at one of these exits during the time we were there, if there would be a time for them to have their coffee break, they would all come out all at once, just about. They we would move back and just observe the people because they would be going to a coffee truck that would not always park close to the entrance and exit of the factory and we would just observe the people and we didn't—obviously if somebody was just walking off like if they were going out of the parking lot away from the location that indicated to me that that person was supposed to be working but why are they taking off.

Q On the occasions when you saw the people leaving the factory to go outside to the coffee truck, was any effort made to stop them as they left?

A Well, at the time they are coming out I would observe, once in a while, one or two officers stop somebody and question them, question one or two people, I don't know how many but the majority of them would just be permitted to go to the coffee truck.

Q Did you ever see a person run out the door of a factory and then be pursued by a person who was standing—an officer who was standing near the exit?

A Yes. I had that experience.

Q Do you remember that your testimony was that one of the purposes that the officers were stationed at the exits was to keep illegal aliens from fleeing? Do you remember that testimony?

A Yes.

[30] Q What did you mean by that testimony?

A Well, because the people would know that Immigration was there and if it was known, some people would have a tendency to try to leave the location. I had one experience where I had one person just come running out of the location and I ran after that person and that person was running toward the parking lot where there was some vehicles parked and as soon as the person stopped at the vehicle I indicated to the person who I was and the person said, "Well, I am just coming to my car to get something out of the vehicle" and I stood by and watched the person and then the person would walk back to the factory. Others, of course, if they continued to keep on running as if they are going to leave the location, then I would actually pursue the person until I actually was able to stop them.

\* \* \* \* \*

SUPREME COURT OF THE UNITED STATES

No. 82-1271

IMMIGRATION and NATURALIZATION SERVICE,  
ET AL., PETITIONERS

v.

HERMAN DELGADO, ET AL.

ORDER ALLOWING CERTIORARI

Filed April 25, 1983

The petition herein for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit is granted.

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